









A NARRATIVE  
OF  
THE NAVAL PART  
OF THE  
EXPEDITION TO PORTUGAL,  
UNDER  
THE ORDERS OF HIS IMPERIAL MAJESTY,  
DOM PEDRO,  
DUKE OF BRAGANZA.

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By CAPTAIN MINS,

KNIGHT OF THE TOWER AND SWORD; LATE SECOND IN COMMAND OF THE SQUADRON,  
&c. &c. &c.

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WITH  
A VINDICATION OF HIMSELF,  
AGAINST  
THE ASPERSIONS OF VICE-ADMIRAL SERTORIUS,  
AND  
HIS SECRETARY, CAPTAIN BOID.

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— An tibi Mayors  
Ventosâ in linguâ pedibusque fugacibus istis  
Semper erit?

---

London;

SHERWOOD, GILBERT, AND PIPER,  
PATERNOSTER ROW.

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1833.



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M6

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TO HIS IMPERIAL MAJESTY,  
DOM PEDRO,  
DUKE OF BRAGANZA,  
REGENT OF PORTUGAL,  
&c. &c. &c.



SIRE,

I AM emboldened to dedicate, without permission, the following pages to Your Majesty, more by the recollection of the emphatic manner in which I was once told, when under the cloud of Vice-Admiral Sertorius's accusations, "Go to the Minister of Marine, and you shall have justice done you," than by the grateful sense I entertain of the condescending urbanity, with which, while serving under Your Majesty, my poor attempts to aid the cause of your illustrious Daughter were ever noticed, though that alone would have sufficed to have induced a hope, that the liberty would be pardoned.

Your Majesty may be surprised to learn, from the perusal of these pages, that the Vice-Admiral has, by a fresh intrigue, endeavoured to injure me in the opinion of the Minister of Marine; but there can be no difficulty in appreciating the motives which have actuated him in renewing his accusations against me. The man who could revile Your Majesty, insult your Aide-de-camp, and pour forth the most unfounded invectives against those patriotic Portuguese, who have under every difficulty preserved their fidelity, and who have endured every privation in the struggle to restore their legitimate Sovereign to the throne, was not likely to show much forbearance to one under his command, who had declined becoming a party to the conspiracy, formed before the expedition sailed from St. Michael's, to keep up a false alarm, in order to render himself of apparent importance; nor was it to be expected that his hostility towards myself

would be mitigated, by my refusal to repress my feelings, when I saw that the squadron under his command, was not allowed to give that co-operation which the service required, and for which it was, in force, perfectly efficient: but since, after the squadron had been rescued from his hands, and he had left the shores of Portugal in disgrace, his insinuations against me have been listened to by a branch of the Portuguese Government; and their representative in this country has not been directed to communicate to me the letter of the 29th of June, written respecting me, I am compelled again to ask for Justice. That I shall receive justice from the Government of Her Most Faithful Majesty, your illustrious Daughter, I no more doubt, than that the Vice-Admiral will pursue me with unceasing hatred; but whatever the result may be of his machinations against myself, I thank God, that they have failed to injure the cause of Portuguese liberty, while

I fervently pray, that your illustrious Daughter may sway in peace and happiness, the realm which the sword has rescued from oppression, and that Your Majesty's life may be long preserved a blessing to a liberated nation.

With the most unfeigned sentiments

of respect and attachment,

I have the honour to subscribe myself,

Sire,

Your Majesty's most humble and

Most obedient Servant,

PETER MINS,

Capitão de Mar e Guerre.

*72, Great Russell Street, Bloomsbury,*

*London,*

*November 23rd, 1833.*

## ADVERTISEMENT.

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I AM aware, that when differences arise between two officers, the prejudices of many of the profession are so strong in favour of the senior, that the junior will do well to submit in silence to much misrepresentation; and therefore, if Vice-Admiral Sertorius had been content to palliate, among his friends, his recent command of the Portuguese Constitutional Squadron, by attributing his inefficiency to a want of zealous co-operation on my part, I should either not have intruded myself on the public at all, or have confined myself to showing, in the most respectful manner, that he had not duly appreciated my services: I should merely have reminded him, that, “whenever  
“an officer fails to win the affections of those who  
“are under his command, he may be assured that

the fault is chiefly in himself\* ;” and I should have left it to others to testify how prompt I ever was to render him the most effectual support, and to uphold him, as a point of duty, in the opinion of the seamen, even on occasions on which, if I had yielded to my feelings, I should have left him to the consequences of his folly.

No one, I presume, will deny that, in extreme cases, it would be imperative on the junior officer to speak out, and fearlessly impeach the conduct of his superior officer; as for instance, in the very improbable event of a British expedition failing, in consequence of the cowardice, incapacity, or treachery of the commander, though that commander should be supported by the ministry, and an appeal to the public, were the only means of bringing him to justice; and I believe it is as indisputable, that it is not only justifiable, but absolutely necessary, for the junior officer to take some steps for vindicating his character, if his superior officer should either publicly assert, or privately insinuate, that he had committed

\* SOUTHEY'S *Life of Nelson*.

a fraud on his Government—that he had robbed a vessel which he had detained—that he had exhibited scandalous cowardice—that he had been guilty of an atrocious falsehood—that he had permitted his ship to be constantly in a state of mutiny—that he had broken an arrest—or absconded from a court-martial.

There is not one of these personal imputations, which my late Commander, assisted by his Secretary, has not cast upon me;—from all of them, if I could have obtained a legal court-martial, I could readily have cleared myself; from some of them I have reason to believe, I was freed by an illegal court of inquiry, which my commander assembled; but he has kept the proceedings of that court involved in much obscurity, and its decision did not suffice to moderate the rancour of his tongue. I, therefore, finding that I could not obtain a fair and open trial, availed myself of a declaration the Vice-Admiral had made in his cabin, before all the officers of the squadron, of his always having a plain coat ready, in which to meet any of his officers, to whom he gave offence; and, I trust, I shall not be censured for having invited him to put it on.

It was not till I could neither obtain an explanation from him, or prevail on him to meet me, that I thought it impossible for me to avoid publishing a narrative of his conduct, and my own, during the time we were in the service of Portugal: but while I was preparing it for the press, I, in compliance with the advice of one of high rank in the profession, tried to extort from him, by inserting a letter in the public papers, an open declaration of all which he had to allege against me. This he met by announcing that my singularly unreflecting imprudence obliged him, with reluctance and regret, to give publicity to the following letter, as a sample of what he had in reserve of a similar nature:—

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

A letter having been addressed by Vice-Admiral Sertorius (No. 54), dated the 7th instant, reporting that Post-Captain Mins had received various sums of money, belonging to some sailors of the squadron, which had not been received by them, His Imperial Majesty, the Duke of Braganza, as Regent in the name of the Queen, ordered, that the said captain should reply to the articles of inculpation contained in the said official letter from the Vice-Admiral. That officer replied to the letter in question in a vague manner on the 21st, and having been ordered on the 23rd to give bail (*fiança*) for the settlement of his account, he absconded from this city, without either a passport or leave, and was in consequence considered a deserter. His Imperial

Majesty accordingly resolved that a copy of the correspondence in question should be transmitted to your Excellency, not only to prevent his deceiving the Ministers of Her Most Faithful Majesty with false representations, but also that your Excellency and the Marquess of Funchal (whom you will make acquainted with this dispatch), may be enabled to reply to any demands, or inquiries, that may be made with respect to the said Mins.

“ God preserve your Excellency,  
(Signed) “ THE MARQUESS OF LOULÉ.

*“ Dated Palace of Oporto, June 29, 1833.*

*“ Addressed to His Excellency the Chevalier de Lima.”*

By what means the Marquess of Loulé's signature was obtained to this, or how Vice-Admiral Sertorius procured the copy, I am not yet able to explain ; but both are in the course of investigation ; nor will I let the matter rest, until the whole of this ridiculous conspiracy against me is fully exposed. Instead of being intimidated by the sample, I am resolved that the bulk shall be broken, and I am more than ever convinced of the necessity of the course which I had resolved to adopt, of compelling publicity of every thing connected with my conduct. Who, after noting the date of the above, the 29th of June, will not be surprised to read the following ?

*" Baker Street, 24th August, 1833.*

" SIR,

" In answer to your letter of yesterday, I beg leave to inform you, that I have no authority from His Excellency the Minister of Marine, to grant leave of absence, but will forward your letter to Lisbon by the next packet, this being all in my power to do.

" Pray accept my thanks for your kind congratulations, and believe me,

" Sir,

" Your very obedient servant,

" CHEVALIER D'ABRUE E LIMA."

*" Captain Mins,*

*" &c. &c."*

On this subject, I need only here add, that I had no order, on the 23rd of June, to give bail for the settlement of my accounts ; that instead of having been considered as a deserter, I have since been called upon to sign certificates of the pay due to the seamen, and of the pensions to which they are entitled ; and that I did not even know of the existence of the letter of the Marquess of Loulé, until, to the mutual astonishment of the Portuguese authorities and myself, it appeared in print. A volume of such trash will not answer one page of the following narrative, in which I defend myself from the aspersions of the Vice-Admiral and

his Secretary; I trust the public will think that my vindication is complete; and that I deal with them rightly, in treating them, not as one officer would treat another who had offended him, but as a man is obliged to deal with those who have assailed him with the most intolerable libels.

P. MINS.

*November 23, 1833.*

*No. 72, Great Russell Street,  
Bloomsbury, London.*



## NARRATIVE.

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ABOUT the end of the year 1830\*, R. G. Sertorius was invited by the agents of Her Most Faithful Majesty Donna Marià Segunda of Portugal, to take the command of the naval part of an armament, which they were endeavouring to fit out, for the purpose of restoring the young Queen to the throne of her ancestors: and having assented to their proposal, he soon afterwards spoke to me on the subject, requesting me to join him in the expedition. On my at first declining to do so, a conversation ensued between us,

\* I was introduced to Sertorius when he came in the *Pyramus*, to Malta, where I happened to be on duty; and not in 1831, by Captain Boid, as he has asserted; insinuating, that I wished to seek employment under him. Sertorius sought me.

in the course of which, the consequences to which we might render ourselves liable, by entering the service of Her Most Faithful Majesty, were discussed ; and he promised, in the event of my accepting a commission in the Portuguese navy, that I should be indemnified, before I left my own country, by the receipt of a sum of money equivalent to the loss I might incur ; adding, that he himself should have rejected the offer which had been made to him, if he had not been assured of receiving the like indemnity.

Under the security of this promise, and after due consideration, I acceded to his request, telling him that I would trust to his honour to do all that was right in order to guard, by a present arrangement, against my ultimate ruin : and a negociation being now opened with Mr. Maberly for a loan, I soon became, in conjunction with Sertorius, occupied, in the different docks, in examining ships of war that were suited to our purpose ; but, the loan not being obtained, no progress could be made in the purchase of any.

Dom Pedro however having, quite unexpectedly,

arrived in this country, in a British man of war, this event gave fresh spirit to the enterprise; and a loan was effected about the beginning of September 1831, under the sanction of His Imperial Majesty, and through the assistance of a few zealous individuals. The *Congress*, a Swedish frigate of forty-six guns, and the *Asia*, a frigate formerly in the English service, which were then, under peculiar circumstances, to be sold considerably under their real value, were purchased for the sum of 19,000*l.*; and the *Juno*, of five hundred tons, was bought to carry troops. These ships were lying in the City Canal. Every exertion was used to fit them out, and get them ready for sea: but these preparations were obliged to be carried on in secret, as Dom Miguel's numerous spies were constantly on the alert, and by many false reports alarmed the workmen, and retarded the progress of the work. I was ordered to proceed to Plymouth, to get warrant officers; but although I engaged three gunners, three boatswains, and three carpenters, they were not eventually taken with us. Having been sent, soon afterwards, to Bristol for

seamen, and having engaged two hundred, I could not get any instructions with respect to them; and, after waiting some time, I was positively obliged to leave the place, to escape being incessantly tormented by the pressing inquiries of the men. No steps were afterwards taken to renew the engagement with them; to me a very discouraging circumstance, as they would have been of great value to the service. In November, the two frigates, and the *Juno*, were ready for sea; the *Congress* was in the Downs; the other two at Gravesend. They were cleared for a French port, in the name of a French merchant, the apparent purchaser of them: their crews were only sufficient to work them on the passage, and no warlike stores of any description were shipped on board them; yet, so active were the agents of Dom Miguel, that, at their instigation, the authorities of the Custom-House seized the vessels. After the loss, however, of some little time, they were released, as the Government, from the nature of their ostensible destination, found it impossible, legally, to detain them.

Orders were sent to the *Congress*, and I was dis-

patched to Gravesend to hasten the departure of the others ; and on my return I was ordered to Liverpool, with twelve other officers, of different ranks, to procure a steamer to take men on board ; and on the 9th of December, with fifteen officers and two hundred seamen, I sailed in the *Lord Blayney*. I shall not easily forget the scene of confusion and riot that occurred in getting the men on board ; they were almost all drunk, and the next day clamorous in their complaints. Some had lost money, some clothes, and all appeared in one way or other to have suffered. After we had been at sea two days, a heavy gale obliged us to put into Milford Haven. As soon as we had anchored, the men came to me, and declared it was their determination not to go any farther, as they felt sure that they were to be employed in the Brazilian service, and, with great injustice to that brave and good officer, they said they had not formerly been paid by Lord Cochrane. All my endeavours to quiet them were unavailing. I therefore told them, that we wanted volunteers only ; and that if they liked, they might all go on shore,

as soon as they heard the few words I had to say. I then briefly explained to them, that the heads of the Royal Family of Portugal were contending for the throne, and that it was our intention to take the part of Donna Maria, the lawful Queen. I told them that, if they remained with us, they would be well paid; and that they might be confident of receiving their pay regularly, as the money would be placed in the hands of the Admiral for that purpose. Sertorius, an English officer, would, I said, be our admiral, and the ships would be officered and manned by Englishmen only;—provisions would be served out to them as in the British navy; the rules and discipline be the same as in that service. They would also be entitled to prize money, and at the end of one year, or eighteen months at the furthest, get their discharge, receiving all pay due to them, and a gratuity of six months extra pay. They seemed pleased with this explanation. I begged them to think of it, and told them, that those who wished to go on shore should do so the next morning. I flattered myself I should not lose many of them, but I was disappointed;—

about one hundred left the vessel in a most mutinous and outrageous manner. I mustered those who remained, and found, with pleasure, that the worst had quitted. I sent a list of them back to Liverpool, desiring that their advance tickets should be stopped, as I felt persuaded their departure had been caused more by their wish to cheat those persons who had lent them money on these tickets, than by any real dislike to the service on which they were entering.

There remained on board the *Lord Blayney* steamer one hundred good men. With these we left Milford, on the 14th December, for Belle Isle, to join the ships there. To Captain Wilson, who commanded the steamer, our warmest thanks are due for his gentlemanly conduct to us; while his exertions to keep the men on board well merit the highest consideration of the Constitutionals. Up to this time, I had never been able to get sight of the contract, which Sertorius had made, on behalf of himself and us, with the agents of the Queen, though I had frequently requested to see it, and had as often asked, when the promised sum was to be paid to me. Sertorius told

me to rely on him; the money should be paid before I left England\*. Unfortunately for me, as the sequel will show, I gave too much confidence to his assurances.

An English officer of rank had been commissioned to engage about one thousand troops; but this project was abandoned, partly, on account of the difficulty of getting them sent to Terceira, and partly, because the intrigues of some of the persons employed in this service (intrigues which eventually occasioned serious quarrels) began, even in the outset, to injure the cause, which the expedition was intended to support. It had been originally intended, that Cap-

\* The following is the rate of pay that was to be received by each individual in the service:—

				Table Money.			
	£.	s.	d.	£.	s.	d.	
Vice Admiral . . . . <i>per day</i>	4	4	0	..	3	3	0
Captains . . . . . <i>per month</i>	38	7	0	..	16	16	0
Commanders . . . . <i>do.</i>	23	0	4	..	8	8	0

All other officers the same as in the British Navy, with an allowance to the Gun-room officers of 4*l.* 4*s.*, and to the Midshipman's berth of 2*l.* 2*s.* per month, as table-money; 3*l.* to the petty officers; 2*l.* 5*s.* to A. B.'s; and to all the other classes in proportion. The wounded and the widows of the killed were to receive the same pensions as they would have respectively been entitled to in the British Navy.

tain Hodges, with the rank of Major, should have the command of the Marines of all the ships, and that each ship should have only the complement requisite for her service; but when the plan of procuring land troops was given up, it was determined that the number of the Marines should be augmented, and that he should have the command, on shore, of those that were not wanted on board;—an arrangement, which, together with the ridiculous dislike to the Marine service, and the difficulty of enforcing on some of *those* engaged as Marines, obedience to naval discipline, subsequently proved not only the cause of much inconvenience to the Navy, but often, even endangered the safety of the ships.

Heavy gales and foul winds prevented our reaching the roadstead of Belle Isle till the 18th, where the Admiral arrived the same day. We found the *Congress*, *Asia*, and *Juno* at anchor, but in the same state as when they left England, none of the ships having arrived with stores for them. The men who had brought them out were in a state of revolt, on finding that the promises to pay them, and send them

back to England immediately, were both unfulfilled. This first breach of faith, injurious to the officers, and more so to the men, was deeply felt by both; and all the Admiral's attempts to pacify the latter, even the raising the A. B.'s pay 15s. a month, were unsatisfactory, and we had to await in idleness, the arrival of vessels. I took up my quarters on shore, and we were kindly treated by the French. Before, however, I take leave of the *Lord Blayney*, I must introduce an anecdote or two, characteristic of the peculiarities of sailors. I ordered the men to go on board the Admiral's ship, but they had taken such a fancy to the officers whom I had placed in regular watch, that they could not be persuaded to leave the steamer, unless their officers went with them. In this dilemma I was obliged to request the Admiral's presence. He addressed them, telling them he was glad to find they liked their officers, and that they should certainly serve with them, but that for the present, he wished them to go on board his ship, Captain Mins not yet having one: as soon as he had, they should, he promised, rejoin him. Backed by this assurance, I

succeeded in getting them to obey me; but in the interim they had by some means got more to drink than they ought to have had. One of the number asked me if they were to fight under an English flag, as he did not like to fight under any other. I told him all the officers and men would be English, and that as he would have to keep up the English name, and display British courage, it mattered little what flag was flying. This would not do for him; he swore he would fight under no flag but that of England. As he was rather drunk, I thought it as well to humour him; I therefore told him to get the English flag painted on his hat, and to keep it always on his head, and that then he would be certain of always fighting under English colours. This suggestion produced a hearty laugh among the men, and I never heard any more of this difficulty.

On the 23rd, the *Sir Joseph Banks* steamer, after a long passage, contrary gales having obliged her to put back several times, arrived from London, with one hundred and eighty-four seamen. She reported to us that the *Fairlie*, laden with all our stores, had

returned to Plymouth, dismasted. By the 31st, the *Superb* steamer, with one hundred and sixty-four men, several smaller vessels, and the *Terceira*, an armed schooner, with a few more men, had arrived; and we were getting on in fitting out the ships, the names of which, by the Emperor's desire, had been changed. The *Congress* was called the *Rainha da Portugal*; and the *Asia*, the *Donna Maria Segunda*.

On New Year's day, the Admiral sent for me, and, though very ill, I went on board his ship, when he informed me, he intended to appoint me Captain of the *Donna Maria Segunda*; an appointment which I positively declined, till he assured me that I should not, by accepting it, supersede Captain Crosbie, as that officer, he said, having already been relieved from the command, had left the ship three days before.

As Captain Crosbie appears, by his subsequent demeanour towards me, still to be imbued with some prejudice against me, in consequence of my having then taken command of this ship, I shall here, in the hope of disabusing his mind on the subject, enter into

a detail of the circumstances connected with, and which led to, my appointment to her.

When I first agreed to join Sertorius in the expedition, it was arranged, that we were to take rank, according to the place in which we stood on another list. Only one officer senior to me was then engaged, and he soon after retired; on which occasion, and this was before the purchase of the frigates was concluded, Sertorius said to me, "As you have stuck to me through every difficulty, you shall be the senior captain, and all who join us now, whatever their rank, must consider themselves, in this service, your juniors. You shall command the second ship, and the flag shall be in the other." It was impossible that I should not be highly gratified with such a promise. After a little time, however, he wished me to be his captain; an appointment which I was far from desiring, as I knew enough of him, and of his habits of irregularity in his room, in his engagements, in short, in every thing, which are so much the reverse of those, which, I flatter myself, are my own, to be aware that we could not agree long in the same ship.

During several months, Sertorius incessantly urged me to accede to this new proposal. I should be, he said, "his right hand;" he felt he had been on shore so long, that my assistance by his side would be of the greatest advantage to him; and, at length, finding that I was as anxious to avoid discussing this subject, as he was studious of recurring to it, he took an opportunity of leaving me alone with Mr. Noble, a gentleman who was labouring much to forward the object of the expedition. Mr. Noble candidly told me, that our *tête-à-tête* had been planned, that he might have the opportunity of trying to persuade me to become the Admiral's flag captain. I discussed the matter with him, and explained my own feelings; but, as he made a great point of it, I said I would, though reluctantly, give way, though I feared we should never get on well together, notwithstanding my strenuous endeavours to attain that end. When I next met Sertorius, he expressed, in the warmest manner, his obligations to me for this compliance. "I now," he said, "shall feel quite at ease; you will consider yourself captain of the *Congress*, and Crosbie

(the only officer, of the rank of captain, at that time engaged) shall have the *Asia*.

As our plans were, as yet, only in embryo, and as there was no prospect of an immediate movement, I went to visit some friends in Devonshire, from whence, in about a month, I was summoned, by a note from Sertorius, requiring my presence in London. I lost not a moment in returning. On our meeting, he spoke much to me about a Captain Bertrand, considerably my senior, who had agreed to join the expedition, and said he wished him to take out the *Congress*, and that I should remain in England after the ships had sailed, for the purpose of bringing out the transports and steamers. "Let me," I said, after silence for some time, "distinctly understand you. If I accede to this, you mean, do you not, that when we are all out, I shall take the command of the *Congress*?"—"Oh! no," he replied, "I wish *you* to keep the steamers, and *Bertrand* the ship, as he is a married man, and I expect more dash from you." "I told him, nothing would induce me to give up the command of a frigate."—"Very well, then," was

his answer; "you shall change when you get out." This conversation passed on our way to the docks, where we found Bertrand on board the ship, giving orders about her, as if he were her captain. I immediately took Sertorius aside, and requested him to prevent the possibility of a future misunderstanding, by explaining at once to Captain Bertrand, that he was in command *pro tempore* only; that he was to be my junior; and must consult me as to the fitting up of the *Congress*. As soon as you have given him this explanation, I shall be happy," I added, "to be introduced to him." Sertorius then spoke to him. I was introduced to him—found him to be a very good fellow, and satisfied with the arrangement.

All went on smoothly for a time; and yet I could not help suspecting that something dishonourable and unfair towards me was meditated. From what cause this suspicion arose, I cannot tell, unless it originated in my confidence in the Admiral's professions and promises having been weakened by his previous vacillating conduct. I resolved, however, that my misgivings should be at once either confirmed or removed,

and therefore requested a person, whom I knew to be a friend of Sertorius, and whom I *believed* to be an old friend of my own, to see him, for the purpose of ascertaining, whether I did him injustice, in imagining that he now wished Bertrand both to be his flag captain, and to take rank as my senior. On neither point were my conjectures erroneous; and the only excuses the Admiral had to offer, in palliation of this breach of good faith, and voluntary promise in my favour, were, that he wished Bertrand, *at that time a perfect stranger to him*, to be his captain, because he was a more experienced officer than myself; and that he thought it hard, that a very old officer should serve as my junior.

After-wisdom tells me, that I ought immediately to have broken off all connexion with a man, on whose word so little reliance could be placed; but my zeal for the cause we were about to espouse, induced me to give him who was to command the expedition, an opportunity of setting himself right, especially as I could not help thinking, that there might be *other persons* in the back-ground (though I have never yet

been able to bring it so clearly to light, as to mention their names here) more blameable than Sertorius. I therefore saw him the next morning, and told him, that I would not be captain of his ship on any terms; and that, except as second in command, I would not take any part in the expedition. "You shall," he said, "be second in command; and you may have either the other frigate, or a squadron of steam vessels." I replied, "The steamers I do not see; the frigate I do see, and I will name *her*, though I will not turn Crosbie out of her: I shall now go and tell him all that has passed." Having done so, I promised Captain Crosbie that I would not supersede him. I remained without a ship till the 1st of January; and I most solemnly declare, that when the Admiral sent for me on that day, I had not the most distant idea that he intended to offer me Crosbie's ship. I did not even know that there was any chance of his leaving it; and though then informed of his having already done so, I was kept in ignorance of the reasons for his departure. This is one of those occurrences that Sertorius must explain. I was not unmindful of my

promise to Crosbie, and would not, on any account, have thwarted him.

On taking possession of the *Donna Maria*, she was in a sad state\*; nothing was on board, and there were a hundred tons of mud in her hold. Her crew consisted of only one hundred and twenty men; and I laboured under the disadvantage of finding that they would not work, because, as I learnt from the first Lieutenant, *some person* (I believe I could name him, God *bless* the man) had induced them to believe that I was well known to be a tyrant. I therefore mustered all hands, and told them that I was dissatisfied with the progress made in the work—that much remained to be done—and that I had been informed they did not mean to work for me. “I am here,” I added, “as your captain, and will be obeyed; if you dislike me, throw me overboard; but if I remain here, you shall do your duty.” This remonstrance had the desired effect. I had no further trouble with the men, and they worked hard to get

\* Appendix, No. I.

the ship ready. It was no easy task for them, in an open roadstead, to take in the guns, and every necessary equipment for the ship, for, in fact, she was in want of all; yet the Admiral had such little consideration, as constantly to require the assistance of my launch and crew, though he had four hundred, and I only one hundred and twenty men. Those I had brought out from Liverpool, in the *Lord Blayney*, now wished to join me; but the Admiral told me he had formerly promised that they should serve under me, only to keep them quiet, and that he should retain them in his own ship. The *Wellington*, however, soon brought me out sixty-two men from England; and our labours were nearly completed by the 2nd of February, when the Emperor and suite arrived, in the *Superb*, from Nantes. He was received with the customary respect of manning yards, and saluting; and I had the honour of being presented to him, and of dining with him. On the 7th, having read to the crew, my own, and the other officers' commissions\*, as

\* Appendix, Nos. II. and III.

well as two orders from the Admiral, and having taken the oath of allegiance to Donna Maria Segunda\*, or the regency acting in her name, we were quite ready for sea. The Emperor visited my ship, and expressed himself highly pleased with her trim. I received my orders, and made preparations for sailing †.

On the 10th of February, we all got under weigh. The *Rainha*, with the Emperor on board; the *Donna Maria*, to convoy a troop ship with marines; and the *Terceira*, to land dispatches on the coast of Portugal. We soon parted company, to proceed on our different destinations; and the drum and fife, for the first time, enlivened the men with the old tune, “Come, cheer up, my Lads‡.”

\* Appendix, No. IV.

† Appendix, Nos. V. and VI.

‡ The following words had been written to this tune by George Slack, one of my midshipmen:—

Come, cheer up, my lads, 'tis to glory we steer,  
To add something new to the new coming year—  
'Tis to honour we call you, for Portugal's cause,  
To fight for her Queen, Constitution, and Laws.

Before we left Belle Isle, I took an opportunity of speaking to the Admiral respecting the indemnity, the payment of which I had daily expected, and was greatly surprised to hear that he had relinquished it, both for himself and me, because the agents for

Hearts of oak are our ships,  
Jolly tars are our men ;  
We always are ready,  
Firm, cool, and steady,  
To fight and to conquer  
Again and again.

What Englishmen, then, would not rise at the sound ?  
Who in freedom's defence always foremost are found ;  
What Briton but freely would lay down his life,  
For an innocent Queen, in the glorious strife ?

Hearts of oak, &c.

Too long, Lusitania, thy people have bowed  
To the sway of a tyrant, relentless and proud ?  
Then arise, who would not ? at the heart-cheering cry,  
In defence of your freedom, to conquer or die.

Hearts of oak, &c.

Then soon may our arms be in victory crown'd,  
And the tyrant, Dom Miguel, be brought to the ground,  
While each true loyal voice shall with rapture exclaim,  
Here's a health to MARIA, and long may she reign.

Hearts of oak, &c.

Donna Maria were hard pressed for means. I asked for a copy of the contract\*, and found the former part dated the 30th of March, the latter the 30th of November; whereas, I did not leave London till a week after the last date, and therefore he ought to have consulted me before he gave up this security, as he had a right to decide for himself only.

The unwarrantable use made of my name in this instance, showed me how little confidence the Admiral deserved, and I told him distinctly, that, though I would not now withdraw from the expedition, I would not waive my claim to the fulfilment of the original contract, as nothing but the stipulation contained in that, would have induced me to peril all my prospects of advancement in life.

On Sunday the 12th, I performed divine service to the men—a practice I continued the whole time I commanded the ship, except when any important duty interfered. I had on board about eighteen passengers, Portuguese noblemen and gentlemen, and I feel much indebted to them for their urbanity, and for the good humour with which they submitted to the incon-

\* Appendix, No. VII.

veniences of the ship. They were perfectly satisfied with the accommodation I was able to give them, and I have since received much kindness at their hands. I had formerly resided at Lisbon for several months, but this was my first opportunity of forming any intimacy with the Portuguese; and the impressions made on me by their deportment, were highly favourable to that nation; nor was the pleasure I derived from their society mixed by one regret, except that the heat of the gun room and cockpit having driven them one by one from their berths in them to the main deck, I was prevented from exercising the men, so much as I could have wished, at all the guns at the same time.

I had at my table the Count Villa Reale, the Marquis Fontera, General Alzerado and his brother, and General Vasconcelles; and I feel the greatest pleasure in having had the honour to make the acquaintance of these gentlemen. The other officers entertained Count de Tipa, Baron Rendolph, Count de Lumier, and Signor Silva Cavalho, the present able and excellent Minister of Finance; and several

others. We were much detained, by being obliged to keep company with the troop ship, which sailed badly, even in the most advantageous weather. This, however, gave me time for disciplining my ship, and placing it in an effective state. I had all the boats repaired and painted, the rigging set to rights, the men well trained at the guns and small arms; the guns, by constant firing, cleared of rust and dirt; the ship turned into something like a man-of-war, and ready for any service. On the 24th, after a smooth-water passage, we anchored in the roads of Angra, in the Island of Terceira, and saluted the fort, which returned it. The marines were sent on shore from the *Edward*; and the next day I paid my respects to the regent, the excellent Count Villa Flor, from whom I received the greatest personal kindness, and every thing that I wanted for the ship. Captain Popham Hill, of the marines, arrived from England, with several officers, and about one hundred and twenty men for the corps. The *Terceira* also joined us, having performed her duty on the coast much to the credit of Captain Wilson; but we had no news of the Admiral.

On the 26th, it began to blow hard from the sea ; we got under weigh, and made sail ; the ship looked well up to windward of Mount Brazil : but the wind changing a little, placed us in a dangerous situation ; for the ship's way through the water caused the anchor to hook the forefoot, and the buoy, towing by the rope, retarded the ship's progress, and made it impossible to tack ; and as we were only thirty yards from the rocks, there was no room to wear, and we could do nothing but continue straight on. The pilot, who had been sent on board the day before, was so frightened, that he called out, in broken English, " Luff, luff ; ready about ;" the very thing to have lost the ship. I told him to hold his tongue ; but he went on his knees crying, and exclaiming, " Povora Frigata ! Povora Frigata !"

I ordered the man at the helm to keep the ship a point more away ; the awful silence in the ship, showed the opinion that prevailed among all hands ; and I must say, I did not myself think it possible to save her. In this way we proceeded four or five hundred yards, not at any time distant more than thirty yards from the rocks, with about forty fathoms

water. I saw the only chance to get clear, was to keep as much off the wind as the rocks would permit, and to give the ship as much way as possible through the water; but being so close to the tremendous perpendicular precipice of Mount Brazil, we had lost the wind, and I only got her through the water two knots. However, after half an hour's most intense anxiety, I was relieved, by seeing her clear the last point, and in perfect safety again. We now got the anchors stowed, and the ship to rights;—and after beating about for two days, without any appearance of the wind shifting, I determined to go to Fayal, and if I found good anchorage there, to remain until the weather was better, and to lose no time in replenishing our water. On the 28th, I anchored in the roads of Orta, off that island. I hastened to pay my respects to the Governor, Colonel Fonseca, an officer so universally beloved by all classes, that the inhabitants of the island applied to Dom Pedro, when he visited the place, entreating that the colonel might not be taken from them. The colonel, however, was too devoted to his country to consent to remain idle, and,

during the war at Oporto, distinguished himself much in the important situation of Governor of the Foz Castle. The joy which the inhabitants evinced at seeing the Constitutional flag flying in a frigate, is not to be described ; and in the evening the whole town was illuminated. The Governor, the American and the English consuls, visited my ship during the time I was there ; and I must not forget to state how much kind attention I received from them all, but particularly from the American consul, Mr. Dabenay, and his family, who entertained us with a very delightful ball, in honour of our arrival.

Before I quitted the island, a circumstance happened, which placed the conduct of the inhabitants in a very prominent view. A sailor died on board, and I requested permission to bury him on the island, which was readily granted. To please the inhabitants, as well as to gratify my own men, I caused the coffin to be covered, half with the Union jack of England and half with the flag of Portugal. The funeral was received by the Governor, attended by all the military of the island under arms ; and as Mr. Walker, the

British consul, had unfortunately been blind for many years, it fell to my lot to perform the service. The Governor ordered three vollies to be fired over the grave ; and, considering the religious prejudices of Roman Catholics, by no other attention could they have shown equal respect to us, or have evinced more powerfully that the cause of liberty, for which we were alike contending, had extinguished every other difference of sentiment or feeling in their breasts.

On the 4th of March, we took in more water, and I quitted with infinite regret this island, where I had received such marks of friendship. I got under weigh for Terceira, and the next day anchored at Angra. The Emperor had arrived ; but the *Rainha*, in her passage, had encountered a gale of wind, which carried away her maintop-mast, sprung her main-mast, and she had received much damage about her head. I was here ordered to assemble a court-martial on a seaman of the *Rainha* ; and from the chance of disaffection among the men, was much surprised to find that the Admiral had landed all his marines. I also received from him a verbal order to do the same ; but,

as I had pointed out to him, in my first communication with him in London, the necessity of placing the ships on the same footing as those in the British navy, I remonstrated, and said that I would not be answerable for the safety of the ship if this were done, as the seamen were dissatisfied at the non-fulfilment of the promises which had been made to them. This had no effect, except that he flew in a rage, and said, "I never see you, but you give me some trouble." I replied, that "I considered it my duty to inform him that his orders would place me in a situation of difficulty, and be also hazardous to the service." He rejoined, "Very well, I will be answerable for the safety of your ship;" and the marines were accordingly landed.

About this period, Captain Bertrand discovered that he had in the Admiral a commander to deal with, who was not over particular in his conduct towards his friends, if their knowledge and experience in the service interfered, even by accident, with his own erroneous conjectures and calculations. The particular circumstance which I allude to is this, and Captain Bertrand is my authority. The *Rainha* had

kept too much to the southward after leaving Belle Isle, and when she made land, the Emperor asked the Admiral, what land it was. He answered, "Terceira." Some time afterwards, the Emperor asked Captain B., who said, "It is St. Michael's." This so amused the Emperor, that he soon communicated it to the Admiral, who spoke to Captain B., insisting that the land must be Terceira. Captain B. said, "I have been at sea thirty years, and I flatter myself I can navigate a ship with any man in the world; and as I have kept the ship's reckoning by a time-keeper of my own, which I can trust, I must be excused, if I persist in asserting, that the land which we see, is the Island of St. Michael's." This made the Admiral exceedingly angry, especially as the Emperor, still amused at this difference of opinion, would often repeat to Captain B., "Are you *sure* that is St. Michael's?" who invariably answered, "Yes, your Majesty, I will pledge my existence it is." At length, on being warmly contradicted by the Admiral, Captain B. said, "If, Sir, you will be cool, and go down in your cabin with me, I will place the ship on the chart in the exact spot she is at present, or my log and calculations are of

very little value." They accordingly went down, and Captain B. placed the ship on the chart, and then said, "Now, Sir, if you will take the trouble to send a man to the main-top, he will see Terceira on our weather bow." The Admiral made no reply, but went up the main-rigging himself; but before he got half-way up he saw Terceira in the direction in which Captain B. had told him it would be seen. He came down, and addressing the Emperor, merely said, "That land *was* St. Michael's." At breakfast, the Emperor amused himself with many a good-humoured quiz, at the Admiral's expense; but that did not produce any acknowledgment from the Admiral, of his having been in error. He immediately afterwards removed this officer from his ship, placing Captain Crosbie in his stead, and ordering Captain Bertrand to Fayal, to fit up a temporary Dock-yard, which he did, with great credit to himself and infinite satisfaction to his Majesty.

The Admiral was, among his friends, like Æneas, the old Trojan navigator, bountiful of his expressions of fidelity and good feeling at the very moment he was about to play them a slippery trick; nor had he even

the authority of a god to excuse his conduct, or palliate its meanness—that old mythological extenuation of every treachery.

This was not the only occurrence which showed the carelessness and inattention of the Admiral. I have heard, from good authority, that while the crew were shifting the maintop-mast, thirty hours were expended in getting the new one up; and that when it was high enough to put in the fid, the mast was found to be rigged with the fid-hole fore and aft, and had, of course, to be unrigged again.

I make no remarks, for I know not whose fault it was; I only know, had such an untoward circumstance happened in a ship which I commanded, I should have jumped overboard at the instant.

We now completed the watering and provisioning the ship, and, as she was very light, I requested the Governor to let me have all the old guns on the island for ballast, and I received twenty-six large ones. I was then ordered to Porto Praga, an anchorage at the other end of the island, where the marines were stationed, and desired to take in more

guns. I here found much dissatisfaction among the men, arising from their intercourse with the marines on shore. They came to me, and complained that they had not received the jackets and trowsers which had been promised to them, while the men in the flag-ship had, and that their pay, which the Admiral had told them (before they joined) they should receive every month, was three months in arrear. I endeavoured to quiet them, in the best manner I could; I told them, that the people employed had, unfortunately, not yet sent enough clothing from England, and that the first which arrived had been distributed to the men in the *Rainha*, because the Emperor was on board, but that more was daily expected, which should be immediately served out in the *Donna Maria*. With regard to their pay, I said, that as soon as the guns were in, I would speak to the Admiral, who, I doubted not in the least, would fulfil every promise. They said that they would do their work, but that they felt *that their ship was black listed, and the Rainha the favoured one*. I can easily believe, that it was a desirable object to have

all the men well clothed, in a ship which had the Emperor on board; but, whether it was either just or judicious, to favour the men of the *Rainha*, to the total exclusion and entire neglect of those in the *Donna Maria*, I will leave for those to determine, who have commanded a squadron, and found it advantageous; under difficult circumstances, to preserve unanimity among all the seamen in the fleet.

We hoisted out the launch, got in twenty guns, and the launch again, by midnight, and weighed anchor,—no little exertion for the crew. But as dissatisfaction continued to spread, and murmuring to increase among the men, on account of the arrears of pay, I thought it my duty to write to the Admiral on the subject\*; who, in consequence, on our arrival at Angra, came on board, and had a long conversation with them. At Angra, I was again honoured by the Emperor with an invitation to dinner.

The *Rainha* was now about to go to Fayal to refit; and I was directed to convey two Portuguese,

\* Appendix, No. VIII.

nine other officers, and forty-eight soldiers, to take possession of Porto Santo. My commands were delivered to me, both by the Admiral and Government\*; and I was ready to sail on rather a good cruise, having under my command a small squadron, consisting of the *Villa Flor*, of eighteen guns, and the *Terceira* schooner, when the Admiral suddenly altered his mind, and resolved to go with me: I therefore did not open my orders, but hoisted his flag, and prepared for him.

On the 14th of March, a vessel having fortunately arrived from England with the long-expected clothing, I lost no time in serving them out to the men, supplying them at the same time with some blankets, bedding, soap, and tobacco; and this restored them to good humour.

We made sail for Madeira, in company with the *Villa Flor* brig, and *Terceira* schooner. The ship was much stiffer, and sailed better, since we had ballasted her with the old guns. On the 16th, about

\* Appendix, Nos. IX. and X.

noon, seeing a large ship on our lee bow, under top-sail and fore-sail, we bore up in chase; when within about three miles of her, the Admiral, getting impatient, as we were running from our course, desired the colours to be hoisted. I in vain entreated him to allow us to show English or French colours, instead of our own, and I was most reluctantly obliged to give the order to hoist the ensign; had we not done so, in one half-hour more we should have been alongside her: but the instant it reached our peak, she put her helm up, and made all sail right before the wind, hoisting, at the same time, a small French flag. “I was sure,” the Admiral said, “she was French; we had better haul our wind again.”—“Depend on it, Sir,” I replied, “she is not; that is only a signal flag she has up; I never saw an ensign so small. I trust you will chase her.” To this he consented, though he would not be convinced that she was in the service of the Usurper, Miguel, even by her running away at sight of the Queen’s ensign; a flag from which, at that time, no ship of any other power would have fled. We beat to quarters, and prepared for resistance,

continuing the chase with all sail set on both sides. I tried her distance with two shot, and found her just out of reach: the wind was not strong, but appeared inclined to freshen, which would have enabled us to outcarry her. At the end, however, of thirty-three hours, having neither gained nor lost on her, the Admiral directed us to take in our studding sails, and haul the wind. On my repeating the order, the men all came to me, and begged me to follow her. I said (in rather an angry tone, I admit), "It is nothing to me; the Admiral has ordered us to shorten sail, and his orders shall be obeyed in this ship." For this I have been much misrepresented by *some people*. I have been censured, as one wishing to prejudice the men against the Admiral, for preventing their taking a rich prize; whereas, I had no other intention than to enforce on them obedience to a command, which I knew was a sad disappointment to them. The truth is, the men were offended at being thus baulked; but their indignation arose, not from what I said, but from the certainty they themselves felt, of being soon up with the chase. The wind shortly

afterwards increased to a gale, which would have speedily enabled them to ascertain, in the regular way, the value of her; but it was some time before either they, I, or those who cavil at me, learnt that this ship, which the Admiral would not allow to be taken, would have proved a rich prize, being the *Cybelle*, one of Dom Miguel's largest corvettes, conveying to Lisbon the revenue of the Cape de Verd islands. Then it was that the Admiral's unpopularity among the seamen became great indeed; and they frequently alluded to his conduct, on this occasion, in terms of the greatest severity. I, however, did my duty—suppressed my own feelings, and checked their murmurs.

The brig and schooner soon rejoined us; but, the wind having been foul ever since we left Terceira, we did not make land till the 29th. We put the Portuguese soldiers on board the *Villa Flor*, and sent her and the schooner, on the 2nd of April, to take possession of the island of Porto Santo; and continued till the 5th, watching a Miguelite man-of-war brig, which we found lying at anchor in Funchal

roads, in hopes she would come out ; for the Admiral, though there were plenty of volunteers for the service, did not think it worth while to send the boats in after her ; it being as much beneath his dignity to cut out a man-of-war brig, as to chase a corvette. We then chased some sail to leeward, and gave the brig an opportunity of running away, which she did not neglect : we saw no more of her.

The accidental discharge of one of my pistols, which the coxswain snapped, not knowing it to be loaded, nearly proved fatal to one of the crew. The ball traversed along the main deck, which was crowded with men, entered the side of one of them, and passing out again, broke his left arm. The skill of the surgeon, however, prevented the necessity of amputation, and, eventually, he quite recovered.

While here, the American consul paid the Admiral a visit, politely bringing with him a present of fruit, and of the other good things of the island. However, nothing which passed at this interview altered the Admiral's determination with respect to several vessels of that country, which we had prevented entering the

port;—they were sent away; and we, leaving the brig to keep up the blockade, sailed for Porto Santo, where we anchored on the 7th, to take in water; and I here got six more old guns, for ballast.

At this place, we were nearly knowing by experience the folly and danger of leaving the ship without a proper complement of marines. As the third lieutenant was going round the lower deck, to order some men up to duty, a shot was thrown at him. I placed one man, on whom suspicion fell, into close custody; he declared he had not thrown the shot, though he knew who had, but that he should not give him up; and, therefore, I told him he should be punished. Shortly afterwards, the captain of the foretop confessed that he was the person who had done it; and he wanted to excuse himself by saying, he was playing with it, and that it rolled towards the lieutenant. I told him it was a most cowardly action; and I sent him on shore, to be put in prison, and kept on bread and water, till further orders.

The next day, the first lieutenant reported to me, that the men being turned up, “Up anchor,” had

refused to get the ship under weigh, unless the man on shore was sent for. I went on deck, though, having badly hurt my leg, I could with difficulty walk, and desiring the boatswain to pipe "All hands," "up anchor," I moved on to the forecastle, where a number of the men were assembled, and demanded of them, "Who among you is it who dares to refuse obedience to my orders?" They immediately dispersed, went aft, and manned the capstan bars; but although I made them heave round, they did it slowly. Having previously made up my mind not to bring the man to a court-martial, as he must have been sentenced to death; and intending, after he had been a short time in prison, to take him back, and punish him on board: I now told the ship's company, that if they did not do their duty properly, nothing should save their shipmate; but that if they worked as they ought, and behaved to my satisfaction, there was a chance of my letting him off; and that, therefore, his life was more in their hands, than in mine. On this, there was a cheer at capstan; the anchor was up in quick time, and the ship soon under sail. The next day

we were again off our old spot, Funchal, the *Villa Flor* in company. The Admiral ordered all hands on deck, and told the men he was going to leave them for Terceira, but hoped to be back soon, with the other frigate, and troops, to take possession of the island. "Since all the officers," he said, "gave the prisoner at Porto Santo a good character, his misconduct should, for this time, be pardoned, and he should be allowed to return to his duty; but that they must be aware, that their own behaviour yesterday, was more calculated to injure, than to serve him; and that he trusted nothing of the kind would occur again." They seemed very thankful to the Admiral for this act of clemency. He now delivered me my written orders\*, and sailed for Terceira the same night in the *Villa Flor*, leaving me the irksome task of blockading Funchal, instead of allowing me to follow the orders I had received from Government, which would have been more interesting, and more advantageous to all parties. When we first arrived off this

\* Appendix, No. XI.

place, His Majesty's Ship *Briton*, Captain Markland, was here; but about this time Sir Thomas Trowbridge, in the *Stag*, had relieved her. On the 12th, a gig (which I kept for the ship) came off, with twenty deserters, and ten more in a shore boat. As Colonel Mozinho, who had been on board ever since we left Terceira, and who has since held the situation of Minister of Marine, now wished to land at Porto Santo, I sent him there in the schooner, with the deserters from the shore. It is impossible to express how much obliged I am to Colonel Mozinho for his kindness to me at all times. When on board, he was a most agreeable companion, universally liked, and admired; and afterwards, as Minister of Marine, his conduct, and attention to the English, were the constant theme of conversation.

In the course of a short time, deserters from the shore brought out more boats, which I informed the Governor, by letter\*, should be returned, if he would send out a flag of truce for them; but this offer not

\* Appendix, No. XII.

being accepted, I forwarded them to Porto Santo. On the 15th, while I was boarding ships to the westward, I had the mortification of seeing a small Miguelite schooner make her way in from the eastward; and soon after I experienced the additional vexation of having to reman the *Terceira*, all her crew having been imprisoned at Porto Santo for misconduct. On the 19th, observing some boats towing a brig, close in shore, I stood in as near as possible, and then sent my boats after her.

It was no easy matter to blockade Funchal with one ship; and in spite of all my care, and the precaution of having the boats out every night, two vessels had already worked in: but on the 21st I fortunately intercepted a brig schooner, *Monte de Calmos*, three days from Lisbon, with a general cargo; which, though not a valuable prize, as it was the first, put my men in good spirits. She was the bearer of many letters, and small packages, which it became my duty to open; but as they all related to private affairs, I did not like to detain them, and therefore requested Mr. Phillips, an English gentleman, who came on board, to be the bearer of them to

the British consul, to whom I wrote, begging him to make my excuses to the parties to whom they were addressed, for the disagreeable necessity I had been under of examining them. I have, however, since been rather blamed for not having kept them. I took the same opportunity of warning the Governor that I should be obliged to destroy the fishing boats, which had hitherto been respected, if they assisted in towing vessels, and did not confine themselves exclusively to fishing. On the 27th, I again anchored at Porto Santo to water, and set up the rigging, capturing, on my passage, the *Aurora Brillante*, from St. Ubes, with salt. Having experienced the great difficulty of maintaining the blockade with only one ship, I put two of my quarter-deck guns into the prize schooner, manned her, gave her in the charge of Mr. Wooldridge, a midshipman of high character, and sent her off, at once, to Funchal, in compliment to the Commander-in-Chief, first naming her the *Admiral Sertorius*\*.

On the 30th, the *Villa Flor* arrived from Terceira,

\* Appendix, No. XIII.

with orders for me to hasten to St. Michael's\*. I therefore dispatched the brig to bring back the *Admiral Sertorius* schooner—took my men out of her, and leaving her in charge of the *Villa Flor*, and giving the other prize to Colonel Mozinho, to make into a gun-boat, I weighed, and made all sail, right glad to be relieved from the unpleasant duty of blockading. On my arrival, in eight days, at Ponte Delgada, I went on shore, to pay my respects to the Emperor, and to the Minister of Marine, whom I found far from pleased with the Admiral for blockading Madeira, instead of sending me to execute the orders which I had originally received, on leaving Terceira. They were both angry with me, for not having pointed out to him the impropriety of not acting up to the expressed wishes of the Government; and when I excused myself, by saying I could not venture to do so, as it was my duty to obey the orders of my Commander-in-Chief, whatever they might be, they merely said, “Oh, that is very true;” yet they seemed far from satisfied.

\* Appendix, No. XIV:

They then questioned me much respecting the chase of the *Cybelle*, the details of which they had learnt from the Portuguese passengers, who were indignant with the Admiral, and would not admit that any excuse could be made for him. From them, I repeat, and not from me, the Emperor received his information; though, with as bad feeling as bad taste, it has been imputed to me, that I conveyed it to him; and that with the intention, and for the dishonourable purpose, of procuring the Admiral's removal, that I might be promoted to his place. Poor jealous fellow!! If I chose, as I do not at present choose, to tell you all, you would soon see how easily I could have superseded you in your command; but, inquire of others, and you will learn, that much as I disapproved of your conduct, I always, whenever the subject was mentioned to me, spurned the idea of supplanting you. I could not demean myself by acting towards you in that treacherous manner, in which you have acted towards me. But this is neither the time nor place; both will hereafter be found, and then you shall no longer be able to doubt that I can, as plainly and as fully as you

already know I can fearlessly, speak the whole truth.

The dispatch recalling me from Madeira, was accompanied by a letter from Captain Boid, the Admiral's Secretary and confidential adviser, of which the following is an extract :—

*Angra, April 25, 1832.*

MY DEAR MINS,

“ \* \* \* \* \*

“ Our cause appears very popular in England, and no doubts are entertained as to its successful results. The Reform Bill was not, at that date (the 7th), commenced in the Lords, but, from Lords Harrowby and Wharncliffe's conversation in our favour, as well as many or most of the Bishops, it is said, it is certain to pass, with a few slight modifications \* \* \* \* \*.

“ It is reported, that a naval force, commanded by an English Navy Captain, meets and opposes us on the coast; *we don't believe it, though are anxious to keep up the idea*, for many reasons; more particularly, *as the Big Whigs*, seeing all going on favourably, and with such strong support from England and France, begin to treat our services with somewhat of contempt, thinking them unnecessary; therefore, you will know how to act, on your arrival at St. Michael's, where the Emperor, &c. &c. is just gone. Report you heard,—from good authority, such a force was preparing to encounter us; they are already in a funk; and, to keep the frigates clear for action, have come to the determination of fitting out one of the transports, for the accommodation of the Emperor and all his suckers.”

Who after perusing this letter, will be surprised if I, thinking Captain Boid no longer worthy of the unreserved confidence of an honourable man, preferred that our future conversations should be held aloud, as we walked the deck, to listening in my cabin to the *insinuations* of his whispers. When he persisted in intruding his pernicious advice on me, I plainly told him, it was impossible for me to hide my feelings; and, that it was in vain he remonstrated with me, and really almost on his knees entreated me to submit my conduct to the guidance of his selfish wisdom. I, my friends may be sure, did not act on this exquisite epistle, almost worthy the diplomatic ingenuity of Bob Acres. Bob says, "Tell him I'm fighting Bob—Kill a man a day—I'm a devil of a fellow." The Secretary says, "Frighten the Emperor—tell him we must keep the deck clear for action—that there's a devil of a squadron to oppose us, under the command of a fighting English captain."

The Emperor desired me to remain off the island to protect the transports, which were waiting to con-

vey the troops; I therefore wrote to the Admiral\*. Stress of weather drove me out to sea, and I was not able to anchor again till the 17th. I then took in water, and more guns for ballast; but I had great difficulty in getting supplied with provisions, though there were plenty in store, because the Admiral had quarrelled with the Minister of Marine †, and written to the Emperor, in strong terms respecting him. He therefore, at first, declined giving me any, till the Admiral himself arrived. After some trouble, however, I got sufficient for two months, and three hundred pounds sterling from the Government, that I might give the men some money to go on shore. On the 20th, the Emperor visited the ship. As he went round the main deck, he saw the gunner priming the guns, and learning, on inquiring, the object, that it was my wish to salute him on his leaving, told me, he would have no waste of powder, as it would all be wanted soon. But when, a few days afterwards,

\* Appendix, No. XV.

† For the Admiral's account of this quarrel, see his Letter, addressed to me under date of the 23rd of May, Appendix, No. XVI.

I requested his permission to dress the ships in flags, and fire a salute on the 28th, the King of England's birth-day, he not only readily granted it, but sent me an order to direct the other ships to do the same \*; and I was still more gratified, when the ships had finished firing, by finding the batteries on shore saluted too.

On the 31st the Admiral arrived. On my going on board the *Rainha*, to pay my respects to him, he inquired why I had not saluted his flag. I told him, that I did not like to do so, till I had seen him, as the Emperor had forbidden me to waste powder in saluting himself. He immediately telegraphed to the *Donna Maria*, to fire a salute of thirteen guns, but neglected to direct the *Rainha* to return it; and though, in consequence of the unpleasant remarks this neglect occasioned on shore, I wrote to him on the subject†, it never was done.

On the 7th of June, a strong breeze blowing from the south-west, the Admiral's ship, and transport,

\* Appendix, Nos. XVII. and XVIII.

† Appendix, No. XIX.

weighed. I made several unsuccessful attempts to weigh also, but carried away the messenger; and when I got a new one up, messenger, nippers, and every thing flew out of the hawse-holes, and the ship brought up by the clinch. The men fagged hard for ten hours, when, finding all they could do unavailing, I resolved to ride out the gale as long as the anchor would hold; and, being anxious to save it, made every preparation to slip. About two o'clock in the morning, the ship began to drift, and on slipping, she cast the wrong way, and wore so close to the rocks, that I had great difficulty in clearing them in the dark. On the 13th, the weather being quite moderate, I endeavoured to get the anchor; but the slip-rope gave way, and anchor, cable, and messenger, were lost. I was now left without a messenger, or any thing I could turn into one. I had nothing but a small hawser, on which no reliance could be placed at any time, and which in a wind, or swell, was wholly useless; and though I could easily have procured a cable from the transports, the safety of the ship, and the lives of the men, both endangered for want of one, were treated with so little consideration, as to

leave me without one for several months. When I spoke to the Admiral on the subject, on board the *Amelia*, he answered me in such an angry manner, and made such uncalled for observations, that the Emperor, who was on deck, inquired the cause of his excitement. The explanation he gave was conveyed, as I was subsequently informed, in terms which would have been highly improper for him to employ, had he been speaking of a midshipman, instead of a captain. But I will *now* make no comment on them, as he has subsequently disavowed having used them; and because it is my wish to discredit every thing, to his prejudice, which is not *generally* known to be true. *At the time*, however, I certainly thought the offensive expressions had reached my own ears, and that it would become me to resign my ship; and therefore, though I had the satisfaction of knowing, from the manner in which the Emperor immediately entered into conversation with me, that no impression disadvantageous to me had been made on his mind, I went on shore, the next day, to tender my resignation to him.

For his Majesty personally, and for the Portuguese

in general, I had the highest esteem, and would have borne almost any thing; but I felt that I could no longer serve his Majesty with honour to myself, or advantage to him, if I, the captain of a ship, and second in command of the expedition, permitted the Admiral's behaviour, towards me, to be marked by a coarse rudeness, and offensive vulgarity, which is unknown, and will never, for a moment, be tolerated in the British service. Before I could see the Emperor, I found myself placed in a very embarrassing situation;—my intention of resigning had been anticipated, and made public.

Many of the crew of the *Donna Maria* were on shore on leave; and they, on hearing the rumour, chalked on the walls of the town, "A large ship to let;" while those on board came to me, and declared it was their determination to leave the ship if I did not remain in her. They had become attached to me, as seamen ever do become attached to a captain who treats them properly. I told them they had volunteered, not for a particular captain, but for the service, and conduct such as they threatened to adopt,

would render them amenable to the Articles of War ; and I sent them away, desiring them to be careful, and not commit any breach of discipline. The next day, the Emperor requested a Portuguese gentleman (whom I can name), to tell me he was aware of the nature of the communication I wanted to make to him ; but he wished I would forget what had taken place, and continue in my command : at the same time, he communicated to me other and more important matters, not necessary to communicate in this place. This gentleman's persuasions, together with my knowledge of the state the ship would be in, induced me to abandon my design of resigning.

From this moment, the terms on which the Admiral and I had been on, were entirely changed, and the origin of all this was,—my anxiety to have a messenger. Yet, what would the captain of an English frigate think, if he were sent without one, to anchor at such places as Ponte Delgada, or off the coast of Portugal ? And what punishment should I not have deserved, if, knowing the deficiencies of my ship could be easily remedied, I had not pressed upon the Admiral the

importance of attending to them, and the danger of neglecting them? The Admiral himself answered this when, as prosecutor of Captain Rose, he brought the following (being the third) charge against that officer, and supported it, by putting the subjoined question to Commander Wilson:—

*Third Charge.*—That the different vessels fitted out under the inspection of Captain Rose, were sent out in a state highly defective and dangerous, betraying equally a want of activity and professional knowledge; the more so, as the wants of those vessels (although of a nature of the highest importance) could have been easily supplied at Oporto; and that when spoken to on the subject, by the respective officers, his conduct was insulting and unsatisfactory—while a loss of time and frequent delays have occurred by absenting himself when officers have sought his aid.

#### THE PROSECUTOR'S QUESTIONS.

Did not the *Portuense* leave the river Douro in a

very inefficient state, particularly with regard to anchors and cables?—Yes.

Did Captain Rose, as the officiating and superintending officer of the naval dock-yard, do his best to remove that inefficiency of such serious and important wants?—Yes.

Relate to the Court what were the principal inefficiencies of the *Portuense* on her leaving the Douro?—She was deficient of sails, cordage, and one anchor.

The remaining anchor and cable, were they not both bad?—I am not aware.

The first anchor and cable that was lost at the Bayonna Roads, were they not bad, and the same as were in the *Portuense* when she left the Douro?—I cannot say whether it was a bad anchor and cable—it was the same.

The inefficiencies of the ship, why were they not remedied previous to the ship proceeding upon service?—I am not aware.

The means for remedying the inefficiency, did they not exist at Oporto, to the best of your knowledge and belief?—I am not aware.

On the 23rd of June, the Emperor hoisted his standard on board the *Amelia*, commanded by Captain Bertrand, who had made himself so useful in forming the dock-yard at Fayal. She carried fourteen carronades; and her main deck was fitted up with cabins, like a yacht, for the accommodation of the Emperor, his Ministers, and suite. On the 24th, the crew of the *Donna Maria* were paid, and I, for the first time since I became her captain, slept on shore. The next day, some of the crew having contrived, in spite of every precaution, to purchase some spirits, became rather disorderly, and I could not get the lights put out on the lower 'deck at the regular time. Some shots were thrown at an officer, whom I sent round with a guard of marines. I discovered one of these offenders, and another who had drawn a knife on an officer; and as he proved to be the man whose misconduct had been pardoned at Porto Santo, I determined to have them both brought to a court-martial. They were tried, punished, and turned out of the ship. I could not help congratulating myself that a few days before this occurrence, I had had the

pleasure of having my old and valued friend, Captain Popham Hill, with sixty marines, appointed to my ship.

We were now all ready to start, having completed the embarkation of seven thousand five hundred troops on board forty-two transports. The men-of-war were wisely kept clear, in case we should fall in with any of the enemy's ships. We had been so long at St. Michael's, and had been so kindly treated by the inhabitants, that many a regret was felt on board the *Donna Maria*, as we left that delightful island. The house of Mr. Brandon, the hospitality of all, and the incessant endeavours to contribute to our amusement, will continue to be subjects of my most pleasant and grateful reminiscences.

On the 27th of June, we weighed, and made sail with the convoy, taking the *Superb* (steamer) in tow, to save her coals. His British Majesty's ship *Stag*, which had recently arrived, kept company with us for two days.

On the 4th of July, I went on board the Emperor's ship; and inquired of Captain Bertrand, whether he

had any orders, or place of rendezvous pointed out, in the event of bad weather, or parting company; but, astonishing to say, I found that he, like myself, had none at all. My wish was merely to gain information for myself; but some of the Portuguese had heard me make the inquiry, and having reported it to the Emperor, I thus, unintentionally increased the displeasure against the Admiral, already great, in consequence of his having neglected to arrange any plan for disembarking the troops. His Majesty immediately asked me, "Have you not a letter, signed by me, to be opened in case of parting company?" I replied in the negative. "And has not the Admiral given you any orders on this point?"—"No, he has not." The Emperor then turned away, and made some exclamation in Portuguese.

Incredible as it may seem, yet, it is as true as it is strange, that forty transports full of troops, and several men-of-war, sailing on a most important expedition, were wandering after one another, not knowing where to rendezvous in case of foul weather, and without instructions of any kind. I, the second in command, and the other captains of the men-of-war, at least, had

none; and, I believe, the captains of the transports were in the same satisfactory situation. One of the former, the *Coquette*, did part company, and was occupied for several days in searching for the squadron, but, luckily, rejoined us shortly before we made land. The weather, however, proved so favourable, that a gig might have made the passage in safety, and to that fortuitous circumstance alone we are indebted, for none of the others having separated from us.

The Admiral was so occupied with his guitar, that it was only one day before we anchored, that I received a plan for the disembarkation, to not one of the directions of which we could afterwards adhere, as he most unexpectedly threw the fleet into confusion by making the signal, "Stand off," when the ships were well in their places, and every facility we could have desired, invited us to land; nor would he recal this signal, till he had received first a message, and then a positive order, from the Emperor. Had it not been for the personal exertions, and indefatigable activity of his Majesty, we should certainly have been detained a month longer at St. Michael's: but he was to be seen at all points, and at all hours; at one

moment in a boat, towing the troops; in the next, on board the different transports, making minute inquiries after all their wants; and then with the steamers, towing in those vessels which had been becalmed; and now, it may well be questioned, if a single soldier would ever have set his foot on the shore, if the Emperor had not, again, taken the direction on himself.

Deeply indeed, Portuguese, are you indebted to His Imperial Majesty, and may you repay the debt of gratitude you owe him, by firm allegiance to his daughter through future years!

The Emperor's orders being given to Captain Rose, it is unnecessary to say, the launches were soon out, the flat boats in order, and every thing ready. We anchored, on Sunday the 8th, about ten A.M., in front of a place called Mindella, the men-of-war about a pistol shot from the shore, the transports outside them. The anxiety of the men to land was very satisfactory, whilst the sound of the Constitutional air, played by all the bands, gave additional interest to this highly-exciting scene. By seven in the evening, about six thousand of the troops had effected their landing without opposition; for, although the enemy

had a force of five thousand men in the neighbourhood, and a troop of horse were observed in an adjoining wood on our right, they retired, after receiving a few shots from the shipping.

I went on board the Emperor's ship, and Captain Bertrand told me, that he had been informed, by the English men-of-war, that a large ship, which we could see at anchor off Oporto, was a corvette, in the service of the Usurper. I asked the Emperor's permission to go after her, which he was delighted to give me; but the Admiral arrived, and did not approve of my going. The Emperor, however, taking me by the shoulder, and walking with me to the gang-way, desired me to make haste. I got my ship under weigh, and a steamer took me in tow\*. I had but a

\* The following order, in the Admiral's own hand-writing, was, at the same instant, delivered to me :

COPY.

*July 8, 1832.*

It is my most positive directions, that you do not lose sight of my flag ship, or be out of signal distance from me, and particularly with the steamer, as the safety of the whole squadron depends upon her, in case of the wind coming on shore, or any bad weather.

R. G. SERTORIUS.

To Captain Mins,  
H. M. F. M. Ship Donna Maria.

few more than a hundred men, having been obliged to land many of my crew, to assist in getting the boats off the beach. It was dark by the time we reached the ship, and we found, instead of a corvette, she was a merchantman, the *Commercio Maritimo*. I sent my first lieutenant, some men, and a marine officer on board, and the next morning I took possession of a small vessel to put the prisoners in. I then gave her (the *Commercio Maritimo*) in charge to a Mr. Fitz-Costa, a midshipman, another midshipman, Mr. Williams, and about twelve or fourteen men, leaving her own captain, with some of his officers and crew, to see that all went right.

On the 13th, having an order\* from the Admiral to deliver the prize up to the owners, I sent to Mr. Fitz-Costa to remain in charge himself, but to let the rest return. Before they reached the *Donna Maria*, the first lieutenant informed me he suspected all had not been going on properly in the *Commercio Maritimo*, I therefore desired their persons and traps should be

\* Appendix, No. XX.

searched, the moment they came on board: a considerable sum of money, and a few other articles, were found on them, and taken to my fore-cabin. I now remembered, that the day before, having gone into my *starboard* quarter galley, which I seldom entered, to look in a closet, at a harpoon of mine, kept there, I had seen one or two bags, which, on touching, I perceived contained money; but as the seamen had been lately paid, principally in *maluccos*, a coin about the size of a dollar, twelve of them being nominally equal in value to one; I thought then, they were *maluccos* belonging to one of my servants; but now, suspecting they might have been stolen from the prize, and secreted there, I said to the first lieutenant, "Come down into my cabin, and I think I can give you some more dollars." We went together, but the bags were gone. My two servants, my coxswain, the gunner, the signal man, and others, had access to this place when they liked; it was therefore impossible for me to divine who had put them there, or who had removed them. I then turned up the hands, "Mend sails;" and while the men were aloft, caused the lower

deck to be searched, some more dollars were found, making, altogether, 677½. But we neither found the bags, nor did I think more about them. The men declared some of the money was their own, and as this was very possible, as they had been so lately paid, and as part of it was found in their chests, I desired my clerk not to return any, but to keep an account of it, and a list\* of those from whom it had been taken. A day or two afterwards, as soon as I could see the Admiral, I went on board his ship, and reported to him what had occurred, and the measures I had adopted; and we held a long conversation together on the subject, to the following purport:— I told him of the robbery. He said, that “ I ought not to have taken so many of the prisoners out of the prize.” I replied, that “ I did so because I had it not in my power to put many of my men on board her, and I did not like to risk the safety of the few I could spare, by allowing all the prisoners, forty in number, to remain in the ship; and I had therefore

\* Appendix, No. XXI.

permitted four or five only to continue in her, as safeguards to their property." He then said, "I ought to have taken the prize in tow." I reminded him of the nearness of the land—of the small number of hands I had—and of his orders to me to return with all expedition; which made me unwilling to anchor, as I must have done, if I had attempted to take her in tow. After thus endeavouring to blame me in every way he could think of, he at last said, "Well, I cannot help it; all I know is, you will have to pay for it." I replied, "The proper way would be, to have the men tried by a court-martial, and the court would order those who had committed the robbery, to make restitution\*;" and this conversation, immediately on my return to my ship, I communicated to my first and other officers. He answered, "I should dislike that proceeding, as it will render the affair too public, and I wish it to pass off quietly." I then begged him to make every possible inquiry about it.

I have here given a minute detail of all which

\* Appendix, No. XXII.

occurred in consequence of this robbery. The Admiral has subsequently asserted, that I made no communication to him on the subject ; and that he was entirely ignorant of it, till some time afterwards : but, unfortunately for his veracity, not only did the conversation I have recited take place, but, as it was matter of public notoriety, both in the squadron and on shore, he must, if I had neglected *my duty* of reporting it to him, have heard of it from others, when it would have become *his duty* to have called for information ; and it will hereafter be seen, that he did not scruple to bring an officer to a court-martial, on a charge of his having used language disrespectful towards himself, on no stronger ground than that of Captain Boid having, *naturally*, let out, in the course of conversation with him, that he had been *listening* to a private conversation between two gentlemen, and had *overheard* one of them, Captain Rose, make use of an offensive expression. With respect to this occurrence, if he did not hear of it at the time, putting my own report of it to him out of the question, he was the only man in the squadron

ignorant of it; a supposition utterly incredible, considering what eaves-droppers he employed about him; and that the appearance of a wish, on my part, to withhold it from his knowledge, would have been as certain, and almost as quick, a method of acquainting him with it as the course I adopted;—the telling him of it myself, and asking him to try the offenders by a court-martial, or, at any rate, to institute a strict investigation into their conduct. I now believe, from my soul, that he *then* wished to hush up the affair; because, in the tortuosity of his heart, and the meanness of his antipathies, he hoped it would, on a future day, form a neat paragraph or two, in a letter of accusation against me. “Captain Mins (writes the Admiral to the Minister of Marine, under the date of the 7th of February, 1833, seven months afterwards), in the most unofficer-like manner, clandestinely absented himself from the squadron, thereby leaving unexplained a robbery of, *I am told*, ten thousand dollars, committed by a portion of his crew in a Portuguese ship, and which he has refused, after repeated orders, to give me an account of, or to

state the sum he was able to recover, according to my directions, or the means adopted for the purpose of effecting such recovery." And again; "there are circumstances also, connected with the robbery here alluded to, of a nature to bear powerfully on Captain Mins's character as an officer, and a gentleman."

Here is an admission he had been told of it. By whom, I ask, and when? An assertion that he had given me repeated orders and directions respecting the recovery of it. What, again I ask, were those orders? What those directions? When were they first given? How often, and at what times, were they repeated? What steps did he take to enforce them? Alas! alas! he gave none. He would give none; though I asked him to do so, when I reported the robbery to him, and informed him how much I had already found, by searching the men. It was not, however, till the 30th\* of December, after I had resigned my ship, that he first noticed the subject; and again on the 1st of January†, after my successor had

\* Appendix, No. XXIII.

† Appendix, Nos. XXIV. and XXV.

been appointed, when he wrote to inquire why the preceding letter had not been answered. And now, on the 18th of October, 1833, in London, as if to render his contradictions of himself complete, he gives to one of the seamen, from whom some of this property had been taken, the following memorandum :—

“ Captain Mins cannot have the shadow of a right to detain property that does not belong to him, and he has no authority whatever in doing it, either from the Portuguese Government, or from his late Commander-in-Chief; and, consequently, ought immediately to *restitute* whatever money he may possess of your’s.” Thus, on the 30th of December, 1832, he orders me to account for it. On the 7th of February, 1833, he makes it a charge against me that I have not accounted for it. On the 30th of September\*, as soon as I had recovered my papers, I do account to the Minister of Marine for it; and on the 18th of October, 1833, while the money seized is in my agent’s hands, waiting the instructions of the Portuguese Government, for I

will deliver it to no one on my own responsibility, he signs his name to the above memorandum, asserting I have no authority for retaining it, and no business to account for it (or "*restitute*" it) to any one, except the seamen who stole it.

I have thus, I trust, satisfactorily exposed the falsehood of the Admiral's insinuations against me, with respect to the *Commercio Maritimo*, though perhaps it was unnecessary to enter into such minute detail. I had sufficiently shown the value of the reports he was capable of circulating, when I gave his Secretary's letter, directing me to assist in giving currency to one, which, "*we (he says) don't believe.*" It is not to be expected that they, who, in the hope of some small advantage to themselves, could prostitute their honour, by being the inventors of false information, to deceive the Emperor, to whom they had sworn fidelity, would for one instant hesitate to imagine, fabricate, or insinuate any story, however base, or any accusation, however vile, against me, when their misconduct had rendered my destruction necessary to their safety. For if they

would play a *game* with their friends, they must play a double game with their enemy.

I return to the 9th of July, immediately after taking possession of the *Commercio Maritimo*. In obedience to my orders, I dismissed the steamer, and made all sail to join the Admiral, which I effected this morning, and found the disembarkation completed, and the convoy getting under weigh. We therefore, the next day, anchored off Oporto, and all the small vessels were ordered up the Douro. On this occasion, the Admiral's flag was flying on board the *Rainha*, the *Amelia*, and the *Superb* (steamer), three ships at the same time. This was a common occurrence, and the flag was seldom a correct indication of the ship in which the Admiral was to be found. No small embarrassment this to the captains, as they were frequently expecting to see different signals made; and it would be as impossible for them, in that case, to know which of the *flag orders* they ought to obey, as it would be impossible to obey them all.

I obtained permission of the Admiral, to go up

the Douro in my boat, merely intending to see the place, and with no expectation of having any thing to do; but the Emperor sent me to inquire, why the *Amelia* had not, as she had been ordered, hoisted the standard, and saluted; and while I was on my way, the Usurper's troops returned to Villa Nova, and commenced a fire with musketry from the windows, which the ships returned with their great guns.

On getting down to my boat, my coxswain said, "Take care, Sir, a ball has just passed, close to me." I replied, "That's not pleasant, but I must go on board the *Amelia* at once; therefore get into the boat." I had on my cocked hat and uniform. On our way to the *Amelia*, we were not struck, it is true; but that is all I can say, for, had some few, of from forty to fifty muskets, been a little better directed, we could not have escaped. I got on board, and found them at warm work. I told Bertrand he had better hoist the standard; but as to a salute, that was not possible. Several of our men were killed and wounded, and I staid on board long enough to see that all would share the same fate,

if troops were not sent over to drive the enemy out of the houses. I therefore got into my boat again, and landed abreast of the *Amelia*, and was again peppered, both in the boat and along the shore. I went up to the Emperor, and told him what was going on; and that troops must be pushed across. He desired the Admiral to send off to the ships for the flat boats. The Admiral assured him there were plenty of boats in the river; the Emperor, however, insisted on having the flats, and made the Admiral write an order, for me to take out, to bring them in at once. I told his Majesty, "I will take the order out, but I think the lives of my men will be in danger." The Emperor said, "If you cannot get out of the river, you must walk to the Foz Castle, and take a boat there." I left the palace, and returned on board the *Amelia*, and there I told Captain Bertrand the pleasant duty I had to perform, who said, "It is impossible; you will get all your men killed." I replied, "I fear so, but *I must go*: yet, as I may as well take all the precautions I can to save ourselves, if possible, lend me an English

union jack." One was thrown into the boat, and placed on a staff in the bow, and I was just stepping into her, as the Admiral came on board. I told him the precaution I was using, on which he said, "Oh, never mind, don't go; I have plenty of boats in the river, *it is only the Emperor's wish*, but it is quite useless; tear up the order which I gave you." This was on the quarter-deck of the *Amelia*, in presence of Captain Bertrand, and many others, some of whom I have no doubt must have observed it, though they were busy at their guns at the time. Not long after this, the troops were ordered across the river, and the Admiral directed me to attend on the beach. While there, the Emperor, who was always to be found where any thing was to be done, came up to me, and took my hand, with more than usual cordiality, addressing me at the same time in a manner so flattering, that I could attribute it to no other cause, than his having been informed, that I (having his permission to go either by the river or the Foz Castle) had chosen, certainly not the least dangerous route to convey the orders he had directed the Admiral to give me; and that

I had been stopped only by the Admiral himself insisting on the order being destroyed, as useless. Nor did I think it possible, that the most malicious ingenuity could have tortured this occurrence into charge or insinuation against me, till I read the following passage in a letter, dated 10th September 1833, which the Admiral's secretary, Boid, addressed to me, with the intention, as he says, of proving he had always been my sincere friend; but with the intention, as I believe, of bullying me into concealing his own and his master's infamy. "During the enemy's attack on the shipping in the Douro, on the 10th of July, 1832, when you refused to execute the commission given to you in person by Dom Pedro, on the plea that you would be exposed to a warm fire of the enemy's musketry, you are probably not aware that the Emperor demanded from the Admiral a reason for your neglect of his orders on that day; to which the Admiral could only reply, by stating verbatim the reasons, as given by yourself; upon which Dom Pedro strongly and justly animadverted, and said, 'If an Aide-de-camp of mine had behaved so cowardly, and refused, upon the

same plea, to convey important orders across the field of battle, I will only ask what I should have done and said.' Did I (as any person inimicably disposed towards you would have done) ever comment on that affair to another individual? No, Sir, it has never *escaped* me until the present moment." Who, on reading this, his own account, of the Secretary's conduct towards his friend, will not most fervently pray to the Almighty, that with whatever inflictions it may be His pleasure to visit him while on earth, He at any rate will deliver him from the accursed friendship of such a creature as that, who heard an absent friend privately accused of most infamous cowardice, under circumstances greatly aggravating his criminality, and did not defend him; who concealed from a friend the horrid imputation against him, and did not demand for him an open trial, and the opportunity of defending himself, but treasured the insinuation verbatim in his memory, that he might, at a future period, taunt his friend with the affectation of having believed it true?

But, if the conduct of the Secretary was thus black,

what language can describe that of the Admiral? The Emperor demands of him, why his wishes had not been complied with; and, instead of honourably avowing that he had thought the order unnecessary, and therefore had prevented its execution, he tells him that I had basely excused myself from carrying it out, on account of the fire of the musketry. Why was I not brought immediately before a court-martial, and shot, as I deserved to be? Because there were abundance of witnesses at hand (with all the circumstances fresh in their memory), both of my conduct and of the Admiral's; and had he dared to face me, either as prosecutor or witness, I could have proved, in the one case, that his charge was malicious; and in the other, that his evidence was as "*utterly and damnably false*," as Major Shaw has said that of the Secretary was on the trial of Captain Rose. Oh for

"A lash in every honest hand,

"To scourge the rascals naked through the world."

These two worthies allowed me to remain as second in command of the squadron, though, if I had been

guilty, ample proof of my cowardice on this occasion could have been easily produced. And, after I had taken them into an action quite hot enough for them, after the Admiral had borne public testimony to my courage, and I had resigned my ship, they say I was dismissed, for having acted in a cowardly manner about twenty years before.

On the 16th, the *Amelia*, *Villa Flor*, and *Eugénie*, came out of the river. The *Rainha* and *Donna Maria* weighed, and made sail. I took my friend, the steamer, in tow again; and on the 19th we anchored in Cascaes Bay, near the English squadron; but in consequence of a message from Admiral Parker, the English Commander-in-Chief, the signal was made to weigh, and we anchored again in the south passage of the Tagus. We could now plainly see the enemy's squadron at anchor from Fort St. Julian to Belem. The next day, I was ordered to cruise off the Rock, always within signal distance. In the evening I chased a brig under Miguelite colours; I showed English. She was two miles to windward; and as it must have taken us some time

to come up with her, and the Admiral at that time had my recal up, I tried a *ruse*. I hoisted a Miguelite flag at the main, and fired a gun to leeward. She immediately bore up, and I took possession of her. On the 23rd, the English squadron got under weigh, closed our Admiral, then hove to in line of battle, and each ship hoisted Donna Maria's flag at the main, and fired a royal salute, which was returned by our Admiral. During the time we had been off Lisbon, the squadron took six or seven large vessels with good cargoes, and they were sent to Oporto.

On Friday, the 3rd of August, we observed the Admiral under weigh, with our recal up, and the enemy's squadron standing out, consisting of one ship of the line, one frigate, three corvettes, and three brigs, with a small vessel, supposed to be a gun-boat. We made all sail to join the Admiral, and crossed the enemy's bows. The line-of-battle ship fired a shot at us; but it fell short. At nine o'clock at night, the wind changed, which placed us to windward of the enemy. The Admiral made signal to prepare for action, and bore up. At ten, observed several

guns fired, and returned by the Admiral; but we could see nothing but a light on the Admiral's starboard bow, which passes a-head to the larboard; nor do I think, from the sound of the guns, it could be close. However, the Admiral fired broadsides; and I fear much to the disturbance of the monsters of the deep, for his shot could do no other execution. The Admiral, since that night, has stated, that had I been in my station, he could have taken the enemy's frigate. I positively assert I was not a quarter of a mile astern of him all the time. But my officers can speak for themselves; and should any reader of this at any time meet with any of them, I hope he will make inquiry. I will therefore give a list of them\*.

\* A LIST OF THE OFFICERS OF THE DONNA MARIA.

P. MINS, *Captain.*

<i>Quarter Deck</i>	. .	RICHARD ROBINSON	. .	<i>First Lieutenant.</i>
<i>After Gun, M. D.</i>	. .	CHRISTOPHER LUDLOW	. .	<i>Second Lieutenant.</i>
<i>Foremost Gun, M. D.</i>	——	ROSS	. . . .	<i>Third Lieutenant.</i>
<i>Forecastle</i>	. . . .	—— GIBSON	. . . .	<i>Fourth Lieutenant.</i>
<i>Cun</i>	. . . . .	—— FRAMPTON	. .	<i>Master.</i>
<i>Quarter Deck</i>	. .	CHAS. POPHAM HILL	. .	<i>Captain of Marines.</i>
<i>Quarter Deck</i>	. .	—— BURT	. . . .	<i>Lieutenant of Marines.</i>

The other officers' stations were below, with the surgeon.

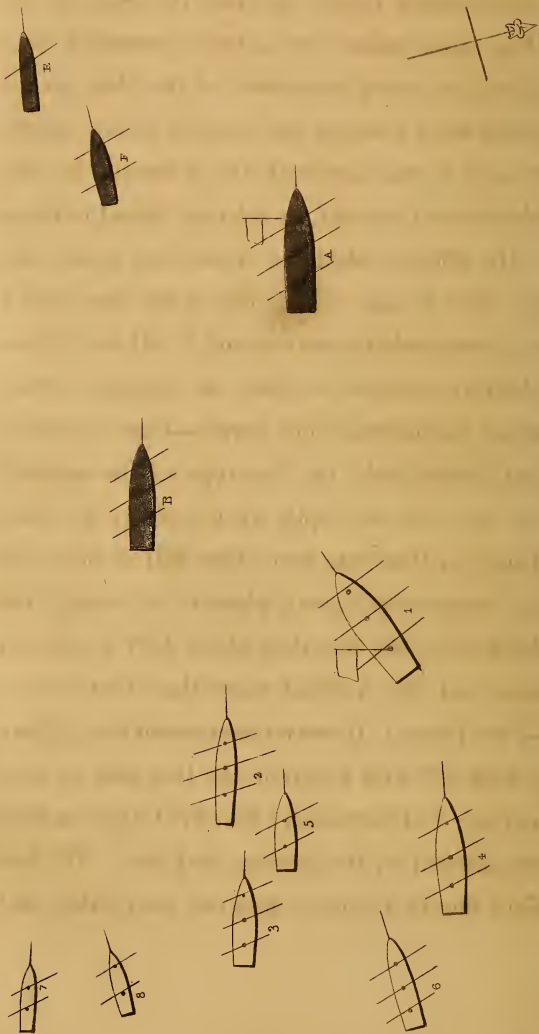
In the morning, we saw the enemy's squadron, with the exception of a brig and the small vessel. We had much manœuvring with them for several days; and they constantly tried the range of their guns, but the shot always fell short. The *Amelia* was the only one of our ships that could not sail; all the rest, as a squadron, sailed better than the enemy. On the 5th, the *Amelia* was far astern of us, the enemy on our lee beam; they tacked, and sent two of the fastest corvettes after her; we tacked, and the Admiral made the *Amelia* signal "To provide for her safety." She tacked, and endeavoured to draw the corvettes on; but they gave up the chase, and the *Amelia* parted company. The men, and indeed the Admiral, and all the officers, were tired of this constant excitement, and it was determined to run through the enemy's squadron one night, and see what could be done. This was a bold step for two frigates to make against so many and such large ships. We made several attempts, but whenever we put our helm up, they did the same. On the 8th, I thought it impossible to avoid an action, for the enemy were on our lee bow,

laying up for us on the opposite tack. They were nearly within gun-shot when they tacked; they were now a-beam of us, and soon after again tacked; we did the same. However, the wind shifted, and we were again well to windward of them. On the 10th, I went on board the Admiral's ship, when he told me he was determined to run through them that night. As the *Donna Maria* was not stiff, I begged he would give me a signal before he bore up, in time to make ready, and said, that until that signal was made, I would not sling my topsail yards in chains. He then appointed a light in each quarter of his cabin, that the enemy might not see it. As I already knew he had a most *treacherous* memory, of which I have since, unfortunately, had signal proofs, I repeated my request, as I left the ship. At 8.30. the Admiral put his helm up, but showed me no lights; and as he had often done the same to near the enemy, I thought he was only doing so now. I therefore remained as I was. We were now near the frigate, and a shot struck our foretop-sail halyards, and the yard came down. I no longer waited for the lights, but beat to

quarters. We passed under the frigate's stern; the Admiral gave her a few broadsides, and we did the same. I then asked the Admiral what he meant to do, for he had hauled up, and we were therefore close to his stern. He said, Haul your wind on the star-board tack: we did so. The *Don John* had gone about, and was firing at us, as we were the nearest ship, and the frigate and the other ships were astern, firing some few shot. The *Don John* was now broad on our quarter, and our Admiral in the same way on our bow, so that we were, naturally, the ship fired at. It was at this time that Lieutenant Ross, of the foremost guns on the main deck, came to report that he could not get his guns to bear, and asked me if I had observed the Admiral firing his stern guns, for he said that the men at his quarter told him that he was firing them. I went to the gangway, and most certainly I thought so too, and can as positively assert that, had he fired them, they would have done execution.

The *Donna Maria* always sailed worse than the *Rainha*, and now we were so cut to pieces, that





A *Rainha de Portugal* 46  
 B *Dona Maria* 42  
 E *Eugenie* Schooner 13  
 F *Vila Flor* 16

*Position of the Two Squadrons,  
 10th August, 1832.*

1 *Don John* 76  
 2 *Princesa Real* 52  
 3 *Cybele* 26  
 4 *Maria Isabella* 24  
 5 *Tagas* 18  
 6 *Corvette* 22  
 7 *Brig* 18  
 8 *Brig* 18

we dropped astern much, and had the brunt of the fire. The mizen mast was so badly wounded, that I was afraid, at every movement of the ship, to see it go; back-stays were got up, but still it was unsafe. I must say, I was surprised the Admiral did not either shorten sail himself, or hoist my signal to make more. My officers asked me to set the royals and mainsail; but I said, "No; this is the first ship I have ever commanded in action, and I will only follow the Admiral's motions, or obey his signals." Soon after he set his mainsail, and royals—then we did so also; but immediately the foot-rope of the mainsail was cut, and the sail split up the centre by shot. After being in this state more than half an hour, we certainly experienced great pleasure in seeing the *Don John* tack; she was then about half a mile on our beam, and the Admiral more than that on our bow.—(*See Plate.*) It was no amusement for a frigate to play long ball with a ship of the line, and we were sadly cut up; but fortunately they fired high, and we therefore suffered in the rigging, and sails. We had only eight shot in the hull; and one man killed, and

about twelve wounded. The Admiral's ship had some shot in the hull, and sustained about the same loss as ourselves in killed and wounded. The men deserve the greatest credit, not only for their conduct in action, but for their activity in putting things to rights, which was soon done. Next morning we saw the enemy's squadron: the line of battle ship with her maintop-mast down. The Admiral signalled his thanks to the officers, and ship's company, for their gallant behaviour. The seamen of the *Donna Maria* were, however, much dissatisfied with his conduct; and many unpleasant remarks were made to his crew, by our men, when in their boats.

When the master, who, not being a naval man, did not know what was necessary in giving the minutes of a naval action, brought me the log of the day, I said, "This is not the thing at all; you here state where a man was wounded, and where a shot hit the ship: leave that for the surgeon and carpenter to do. Your duty is, to give the relative positions, and movements of the ships of the two squadrons; get that done by the officers, and when they have approved of it, and

signed it, bring it to me.” He shortly afterwards returned to me, with what I conceived to be a proper account, signed by all the officers, having torn out the leaf which he had at first brought me, not thinking he was guilty of any impropriety in so doing, as that had not been signed by *any* of the officers (I was not aware of this till some time after). In the log he now brought me were these words—“Admiral nearly a-head of her” (the enemy’s line-of-battle ship), “on our starboard bow, firing his stern guns.” All the officers thought they had seen them fired, though it appears they were mistaken ; yet all officers can do, is to record circumstances according to their belief at the time ; and they can no more send to the ships of their own squadron than to those of the enemy’s, for information, before making entries in their logs respecting their manœuvres during an engagement ; but that no disparagement of the courage of the *Rainha* was, in this instance, intended, will be abundantly proved, by the fact of my having subsequently fired my own stern guns, when placed in a position that required it. And if Sertorius is not sailor enough to fire

any gun, and every gun, which he can bring effectively to bear on the enemy, without fear of the imputation of cowardice, he must attribute it more to his own ignorance, than to any fault of mine; who only narrated what I thought I saw, and what I knew would have been serviceable, from the position of the enemy.

We were now playing our old game of humbug with them until the 15th, when the wind changed, and gave them the weather gage. They bore up, and set all their studding sails in chase of us. We kept our sails lifting, to permit their frigate and a corvette, which were much a-head of their other ships, to get near us; but they did not like to venture too near; and at last shortened sail, and hauled their wind. It was somewhat strange to see the change of affairs; we were now chasing them. In the evening it fell quite calm, and the enemy's ships were rather scattered. The *Rainha* took me in tow, and the steamer alongside her, and in this way we were towed, at the rate of three knots per hour, towards our foes, who were all in confusion, getting out their boats, and the

smaller ships using their sweeps. Had the calm lasted half an hour more, some of them must have fallen into our hands ; but a breeze sprung up, and no more could be done. We were now joined by a corvette, and another steamer ; but the calm, and our steamers, evidently alarmed the enemy, and we saw no more of them. On the 17th, the *Amelia* joined us, and reported she saw the enemy's squadron, under all sail, steering for Lisbon : we soon after heard of their arrival there. It appeared they suffered some damage from our brush with them, and had to get some new masts, and other repairs. We anchored off Oporto, and were busily employed taking in water and provisions.

The way the Admiral managed this cruise has gained him great credit, and I think with justice ; but I must not be made to give his judgment any credit for leaving me—a worse sailing ship, much cut up in sails, rigging, and spars—exposed to the fire of the enemy, when he was distancing me, and nearly a-head of them. The seamen of the *Donna Maria* were certainly outrageous about this, and used strong terms in speaking of it ; but I never, for one moment,

either then, or since, considered his conduct on this occasion was to be attributed to a want of courage, but rather to an error in judgment. The very running down with two frigates to attack such a superior force, proves there was no cowardice. The Admiral demanded for the senior officers the honour of the Knights of the Tower and Sword; and, after much reluctance on the part of the Emperor, it was granted. Had we earned it? or did we deserve to have it? or what had we done for it? I looked upon it in the same way that children have rewards given them for saying their lessons tolerably well, as an inducement to do them better another time.

On the 22nd of July, the *Rainha*, the *Donna Maria*, each with a steamer in tow, and the *Coquette* schooner, again got under weigh for Lisbon. On the 24th, an 18-gun brig, *The Twenty-third of July*, and the *Eugénie* schooner, joined us; and we arrived the next day off the mouth of the Tagus. The English squadron were at anchor in Cascaes bay. The Miguelite ships were far up the river, except two corvettes and three brigs, which were at their old station. After communicating

with an English man-of-war, the Admiral signalled me—"The enemy's frigate lost eight killed and thirty wounded; have shifted foremast; *Don John* and a brig much damaged, but are ready for sea, and expected out in three days." Information of their expected movements being thus obtained the moment we arrived, why did we not get together those of our ships which were ready, and hasten those which were preparing, that we might be ready to attack them the instant they came out? And why was not a place of rendezvous appointed, that the whole squadron might be certain of readily forming a junction, instead of subjecting the men to a repetition of the harrassing service they had so lately endured, when, owing to the neglect of such a necessary precaution, they had only gone to bed two nights during a fortnight, and I not once; neither had I had my clothes off during that time?

On the 6th of September, at daylight, we saw a large ship about one mile a-head, rather on our lee bow. The Admiral was on the lee quarter, distant about three miles, both of us having a steamer in tow. I made the signal—"A strange sail," and the stranger

hoisted Miguelite colours. Fearing she might escape, as we were not far from the land, I hoisted the enemy's flag, and fired a gun, when she hove-to, and I lowered a boat, giving Lieutenant Browne orders to take her to the Admiral. The Admiral had never answered my signal, which was still up, but now made that, "Hoist in, and up all boats." I hauled mine down, and answered his; but I could not obey it, as my boat was gone. His ship soon passed near the prize, and I heard him hail my officer in a dreadful rage—"Go on board your own ship directly, Sir; how dare you board any vessel when I am within signal distance!" Away came my boat, and in about a quarter of an hour he sent his own, and took possession of the prize. I still think I acted right, as the Admiral did not answer my signal, and there was danger of her escaping; but I have stated this transaction in detail, that naval men may judge whether I was right or wrong. If I erred, my error arose from ignorance, and zeal for the service. A day or two afterwards I went on board the Admiral's ship, with letters from England. As soon as he saw me, he said, "I am

very angry with you for boarding that vessel, when I was in sight." I replied, " that, as he was so far off, and my signal was not answered, I was fearful of losing her, and expected I should have been blamed if I had not secured her." It had never been the Admiral's custom to treat his captains with the respect to which they were entitled: he constantly made the signal for captains, when that for midshipmen would have been the proper one; and addressed them with a superciliousness that indicated that he thought them much his inferiors, both in rank and knowledge. His manners but too often reminded me that he had approximated to the truth, when, in England, he confessed " that he felt rather rusty." He was, indeed, very rusty; and I believe all can testify, that, up to the time of his leaving the squadron, his rust adhered so closely to him, that there was little expectation of his ever taking a polish. On the present occasion, his tone and language were insulting beyond every thing I had ever yet been obliged to endure;—that " it was like a mere merchant ship, to lower a boat in that privateering manner—that he had been told, *by one of*

*his midshipmen*, that, in our last brush, I fired all my guns with their coils out, which prevented my doing the execution I ought to have done; that my ship was always in mutiny, and nothing but a merchantman"—were some of the maddening observations in which he indulged. It seemed to me, that an Admiral who thus, on his quarter-deck, addressed one of his captains, could have no other object than to seek a quarrel, and I was far too much excited to shun one. I replied, with warmth, that the Emperor had repeatedly exclaimed, while on board his (the Admiral's) ship, and I instanced the time when the maintopmast was got up with the fid-hole fore and aft, "What a merchantman I am in"—that my men had never pointed the guns aft, as his had at Fayal; that in the late skirmish, I had particularly impressed upon the officers the necessity of firing low, rather than high;—of remembering that the ship was very crank, and of keeping all the coils in (all except two were kept in), as they would have to fire from to windward; and that I felt confident, notwithstanding all the disadvantages under which I laboured, that the *Rainha*

was inferior to the *Donna Maria* in order and appearance, while the discipline of my men was better than that of his; and mine were competent to perform these evolutions in a superior manner; and I could confidently appeal to the British squadron, who could form a just opinion, from having been so much near us." Severe language, this, to address to a Commander-in-Chief; but the gross impropriety of his own conduct had provoked me, and having seen that I would not succumb to him, he knew very well how to submit to it. I will take this place to say, that when I took the command of the *Donna Maria*, I adopted the rules and orders of my old captain, Dean Dundas \*, who will long rank high as a sailor and officer, under whom I had served in the Mediterranean, and whom I endeavoured to take for my model in every thing, except his plan of punishment, which I thought too severe; and further, that during the whole time I commanded the *Donna Maria* I flogged but five men.

\* Appendix, No. XXVIII.

The feelings, however, of all my officers, as well as my own, had been so much hurt, that I determined to write for a court-martial to the Emperor direct, meaning to send it through the Admiral; but, afterwards reflecting that my letter was of a private nature, I requested the Minister of Marine (the Admiral not being present) to be the medium of its conveyance\*. In the mean time, the officers, being indignant at the slurs which had been cast upon them, particularly at the Admiral having accused the ship of not being in her station when the enemy first came out, and when the *Rainha* was firing, at God knows what! that they begged me to request the Admiral would inquire into their conduct, and send officers to inspect the state of the ship, and ascertain the discipline of the men—their skill in the great gun and small-arm exercise—and the precision with which they performed their other evolutions: but in consequence of the breach between us, I declined going on board his ship again, till sent for; and

\* Appendix, No. XXIX.

when that time arrived, circumstances occurred, which tended to aggravate our differences. However, it happened, that on Sunday the 9th, Captain Crosbie, the Admiral's flag captain (but to whom no blame can attach for the disorderly state of the *Rainha*) came on board to see me. I took him round the ship, when the men were at divisions. During the time he was on board, we had both to make and shorten sail, and he remarked to Captain Hill, of the *Marines*, and the first lieutenant, that he saw the greatest difference between the two ships, for his was altogether like a merchantman, while in the *Donna Maria*, every thing was in the style of an English man-of-war; besides which, the men, especially the marines, looked much cleaner than those of the *Rainha*. I knew that all this was true; but I was not a little, though most agreeably surprised, when I afterwards heard that Captain Crosbie had admitted it to be so. However, I repeat that, in the *Rainha*, the Admiral made a mere cypher of Captain Crosbie, and was in reality his own captain, and was desirous of being captain of every ship in the squadron. I think Captain Crosbie

cannot have forgotten his visit, and the remarks he made; and I have little doubt both are fresh in the memory of Captain Hill and Lieutenant Robinson.

On the 11th, at 10. A.M., the Admiral made the signal, "Enemy's ships coming out of port;" and in a short time we saw them, one ship of the line, one frigate, two corvettes, two brigs, and a steamer. Our force consisted of two frigates, one brig, a schooner, and two steamers. The steamers had expended hardly any coals since they had been at sea: yet, though they could stow, the one sufficiently for thirty-five days, and the other for twenty, they left Oporto (where there was abundance in store) one with only fourteen days', and the other ten days' consumption on board; and now they were let adrift, as we were necessarily obliged to be on our guard. As soon as the enemy made their appearance, a small schooner, of one gun, was ordered to convey dispatches to Oporto, the Lieutenant of which, having made prize of a brig, on his way, carried her to Falmouth, where he plundered her, and then decamped. On the 8th, there having been a strong breeze, we observed the

enemy's steamer towing one of their brigs, which had lost her fore and maintop-masts. We bore up for them, and I fully expected the Admiral intended to bring them to action; for he had always assured me he would attack them with the first breeze, and now we had one so strong as to have prevented the line-of-battle ship's lower deck-ports being much opened; one of their brigs too was disabled; but alas! we only neared them, and then hauled up. The next day, we saw the enemy's steamer sinking, and their frigate having hove to, close to her, was evidently taking her men out;—here again was an excellent opportunity, for it still blew; but no advantage was taken of it. The Admiral evidently seemed to think it was always unfair to take advantage of an enemy;—an amiable weakness, no doubt arising from his over-fastidious delicacy of feeling towards his enemies, though his friends cannot charge him with ever having allowed it to overpower his better judgment with respect to themselves. One of our steamers was now sent away with dispatches, to order, as I was told, the other ships to join us. The enemy's dismantled brig, which kept well to leeward, was not re-rigged till the 14th.

It was now blowing hard from the north-east, and we were under close-reefed topsails, and reefed courses; yet, with all the anxiety and exertions of the officers, which were increased, in consequence of the misunderstanding between the Admiral and myself, we found it very difficult to keep the *Donna Maria* in her station, on account of her being so short, and doing nothing in a head sea; yet, so far from lending us any assistance, he would frequently, just as it became dark, alter his sails, which, as he could not show a light in the presence of the enemy, we did not always perceive. It has frequently happened, that twice in the twenty-four hours we have been carried out by the swell, and drifted from the weather, to the lee quarter; and as often have we had to make sail, and wear, in order to obey that most troublesome signal, "Keep your station," which, as if to make us the laughing stock of the squadron, he kept always up; and, to complete his systematic annoyance, he addressed to me a strongly-worded order on the subject\*. On Sunday, the 16th, the

\* Appendix, No. XXX.

other steamer was dispatched, I know not where. This day I was vexed, and distressed, more than I can describe, by the receipt of the following letter, from the men :—

*Her Majesty's Ship Donna Maria,*  
16th September, 1832.

HONOURABLE SIR,

We, the undersigned petty officers, in the name of ourselves and the crew of Her Majesty's Ship, beg leave most respectfully to solicit your interference with the Commander-in-Chief, in respect of redress to a general grievance, which is apparent to every man in the ship, *viz.* that our force is by no means adequate to meet the enemy to any advantage; and running, as we are at present, from any means of assistance, without our knowing to what purpose, is a general cause of discontent. Further, we do sincerely and solemnly protest, that this ship is by no means seaworthy; and in the condition she is in at present, it is at the risk of ourselves to be at sea in her; particularly when it comes to blow but half a gale of wind. That we shall, to the utmost of our power, when called upon, act as Britons ought, against the common enemy; but in the present state of affairs, we most sincerely wish for an explanation as to the course to be pursued.

We remain, Honoured Sir, with respect,

Your obedient Servants,

WILLIAM DAVIE, ..... *Captain Forecastle.*

JOHN DAWSON, ..... *B. Mate.*

JOHN RYAN, ..... *Ditto.*

JAMES MARSHAL, ..... *Quarter Master.*

WILLIAM DAVIES, ..... *Captain Main Top.*

JOHN WOOD, ..... *Quarter Master.*

WILLIAM PARKER, ..... *Captain Fore Top.*  
 GEORGE MOLLAY, ..... *B. Mate.*  
 ADAM STOW, ..... *Quarter Master.*  
 WILLIAM BROWN, ..... *Gunner's Mate.*  
 HUGH HUGHES, ..... *B. Mate.*  
 JOSEPH RUMBLE, ..... *Captain Fore Top.*  
 JOHN WILLIAMSON, ..... *B. Mate.*  
 ALEXANDER SURREY, .... *Captain Afterguard.*  
 THOMAS WIPSHOT, ..... *Captain Main Top.*  
 JAMES PALMER, ..... *B. Mate.*  
 STEPHEN MERRYMAN, .... *Gunner's Mate.*  
 WILLIAM WEBB, ..... *Sergeant Marines.*  
 PATRICK HOGAN, ..... *Sergeant Marines.*

To PETER MINS, *Captain.*

After some consideration, and consulting with my officers, I determined to speak to the men, and not to let the letter go out of the ship, if I found I could convince them of their folly, and satisfy them; and I desired the officers to pay particular attention to what passed, to make minutes thereof, and bring them to me immediately.

The following is a Copy of the Memorandum :—

Captain Mins, having received a letter from the seamen, stating that the ship was not sea-worthy, and the men dissatisfied, made the following remarks :—

“ Whatever may be the opinion of the ship's

company with regard to the Admiral's conduct, I will never, while I remain here as captain of this ship, allow any man on earth to question the Admiral's conduct in my presence. If his conduct is blameable, there are officers sufficient to judge whether he does his duty or not, and it is not by men, from whom the Admiral's motives must be necessarily concealed, that his conduct is to be estimated. With regard to the inefficiency of the ship, in point of sea-worthiness, I am the responsible person, and on me (if any) the blame must fall. As to our ability for attacking the enemy, I will tell you, so far, that we have such and such ships (naming the number and force) expected by to-morrow night—a force sufficient to crush the enemy at once, which is an object of as much importance to the success of our cause, as the failure or the defeat of our fleet would tend to its complete ruin. The only part of your letter which I can at all approve, is the close, in which you say that whatever may happen, you will still behave with the spirit of Britons; and that I shall not be disappointed in this respect, I am (from your previous conduct) perfectly confident."

To the remark in the letter, "That our force is by no means adequate to the enemy;" the Captain answered, "It is not the Admiral's intention to attack the enemy, until our other ships come down from Oporto; and as the steamers and schooner have been dispatched for them, we may expect them here, if you keep a good look-out at the mast head, by to-morrow night. As for this ship, I can place so much confidence in her and my men, that by placing her against such a parcel of orange-fed rascals as the *Don John's* crew, I am certain we could knock her to pieces in a very short time."

*Remarks made by Davie and Ryan:—*"We will go into action with you, Captain Mins, with the greatest coolness; but the Admiral may do as he did last time, take us into action, haul his wind, and leave us to fight it out ourselves."

*Another remark made by Surrey:—*"I am sorry to say, Captain Mins, that the common seamen of the *Rainha* (flag-ship) knows more about what we are going to do than the captain of this ship."

Having succeeded in bringing the men back to their duty, I meant to forget this unpleasant occurrence; but my determination of resigning, remained unaltered, though circumstances prevented my carrying it into effect.

On the 19th, the brig and schooner were sent in chase of a large ship to the westward, which they captured, *The St. Joa Magnanimo* frigate, mounting about twenty-six guns, laden with a valuable cargo, and having about twenty-three thousand dollars on board.

On the afternoon of the 22nd, the Admiral bore up, and made all sail; we did the same, steering S.E. I supposed we were going to leave the enemy, and join our other ships. The next day the wind shifted, and we chased a schooner; but the *Rainha*, especially in light breezes, sailed much better than the *Donna Maria*, and had, just as it was becoming dark, got about eight miles off, on the starboard tack, the chase being on her weather quarter, consequently, in order to board her, the *Rainha*, must get on the larboard-tack,—the Admiral did not make me any

signal; he had not, as usual, given me any instructions, nor appointed any place of rendezvous; and as I was particularly anxious not to part company with him, I charged the officer of the watch to maintain a good look out, and to keep the ship on the larboard-tack, the last the Admiral must have been on; and to let me know if he saw a light, or any signal. At one o'clock in the morning, he reported to me a light on the lee-bow, I said, "It must be the Admiral's ship, make all sail after her." At day-light we saw a large ship on the lee-bow, and followed her, still believing it to be the Admiral's, though I thought it rather strange he would not allow us to join him; but I was still more surprised, when I saw the ship enter the Tagus; she had carried the wind round Cape Rock, and we were becalmed. I was in a sad dilemma, for want of instructions in what direction to seek the Admiral. I boarded several vessels without obtaining any news; till at last, I learnt, from a steamer, that our smaller ships were off Oporto, for which place I shaped my course, to join them. On the 27th, I fell in with them, under the command of

Captain George, with directions to blockade the Tagus\*; but to cover as much ground as possible in his way. As it was important he should join the Admiral, and to send the earliest intelligence to the Government by the steamer which accompanied him, I therefore took him under my command, and sent the steamer to Oporto, with dispatches†, and awaited her return off Figuera. She came back on the 29th, having met the Admiral off Oporto, with orders from him‡, and we joined him and the rest of the squadron there the next morning. He immediately made my signal, and on my going on board, said, in a very imperious tone, “You will state to me immediately, your reasons for parting company.”—“I had anticipated that you would ask me this question,” I replied; “and therefore have brought a copy of my log.”—“You have written to the Emperor, I understand,” was his next observation, “complaining of me.”—“I have written,” I told him, “to request a court-martial on myself.”

\* Appendix, Nos. XXXI., XXXII., and XXXIII.

† Appendix, Nos. XXXIV. and XXXV.

‡ Appendix, No. XXXVI.

He demanded a copy, which I promised to send him, as I subsequently did \*. He then made the signal for "Captains," and calling all his officers together, produced, to my surprise and amusement, the fragments of the sheet which had been torn out, and the ship's log, which had been altered, and which was as follows :—

" P.M. wind from the north, 9. 15. Admiral bore up; followed Admiral's motions; anxiously looking for lights; prepare to engage; 9. 25. beat to quarters, being near the enemy, no signal having been made; observed enemy's line-of-battle ship tack, and stand towards their frigate in her rear; 9. 30. opened fire on enemy's frigate; 9. 40. hailed the Admiral, to know what he meant to do; he desired to haul the wind on starboard tack, which we did, following him. At this time enemy's line-of-battle ship on our starboard-quarter, firing at us, and the frigate at the same time under our stern; 9. 55. the enemy's line-of-battle ship on our starboard beam about half a mile; Ad-

\* Appendix, No. XXIX.

miral on starboard bow about half a mile. We were so cut up in running rigging and sails, with mizen-mast badly wounded, as not to be able to keep close to the wind, and were engaged with enemy's line-of-battle ship for half an hour ; Admiral nearly a-head of her, on our starboard bow, firing his stern guns ; luffing up now and then, and firing broadsides ; observed Admiral set his mainsail and royals, did the same ; 10. 20. observed enemy's line-of-battle ship take in her topmast studding sail, and haul down her head sails, and slacken her fire very much ; 10. 40. observed her tack, when we were out of shot ; shifted the mainsail ; employed knotting and splicing the rigging, fishing the mizen-mast, and repairing other damages ; Admiral on starboard bow one mile ; midnight all to rights ; gave each man a glass of spirits ; found we had one man killed and five wounded ; received eight shots in the hull, and thirty-two in masts, sails, and rigging."

I told him I was ready to answer any charge, bring it forward in what shape he would ; but that I did not

consider he was acting with justice towards me, in thus endeavouring to prejudice against me the officers by whom I must be tried. He required to be furnished with a copy of the letter the seamen had written to me, and desired to know, why I had not sent it to him. I told him, because, having convinced the men of the impropriety of their conduct, and allayed the feelings which had dictated that letter, I did not like to annoy him, by letting him know any thing about it. After much discussion of these matters, he told me he would hoist his flag in my ship.

The truth is, the Admiral had been mean enough to employ spies on my words, and actions; and so weak, as to give ready credence to such tales as spies are likely to tell. He had found one ready agent, in a young man, the second master of the *Donna Maria*. I will not name him, for I do not wish to injure him, and am content to leave him to the upbraidings of his own conscience;—a young man, to whom I had been very kind, but one of those dirty fellows who forgets every kindness he has received, as soon as reproof is inflicted on him for a fault. He misconducted himself

in my ship, and was removed to the "*Twenty-third of July*," a brig commanded by the gallant Captain Morgell; he was ultimately turned out of her, and sent back to England. He, it was, who conveyed this leaf of the log-book to the Admiral; and from this, and similar polluted sources, those calumnies which have been circulated against me owe their origin. Neither for them, however, or those which were altogether of the Admiral's own invention, did I care the least, or fear submitting my conduct to any investigation; though it will be seen hereafter, that he had neither the honour nor the courage, to stand forth my open accuser; and was ashamed to produce his tools in evidence, when the Emperor gave him the opportunity, by assembling a court-martial to try me; though that court adjourned for three weeks, in order to give him time to appear himself, and produce his evidence. He now came on board my ship, and, turning the hands up, told them that, since they had called him a coward in the last action, he was come to fight the next with them. Two days afterwards, he assembled all the officers in my cabin, and asked them

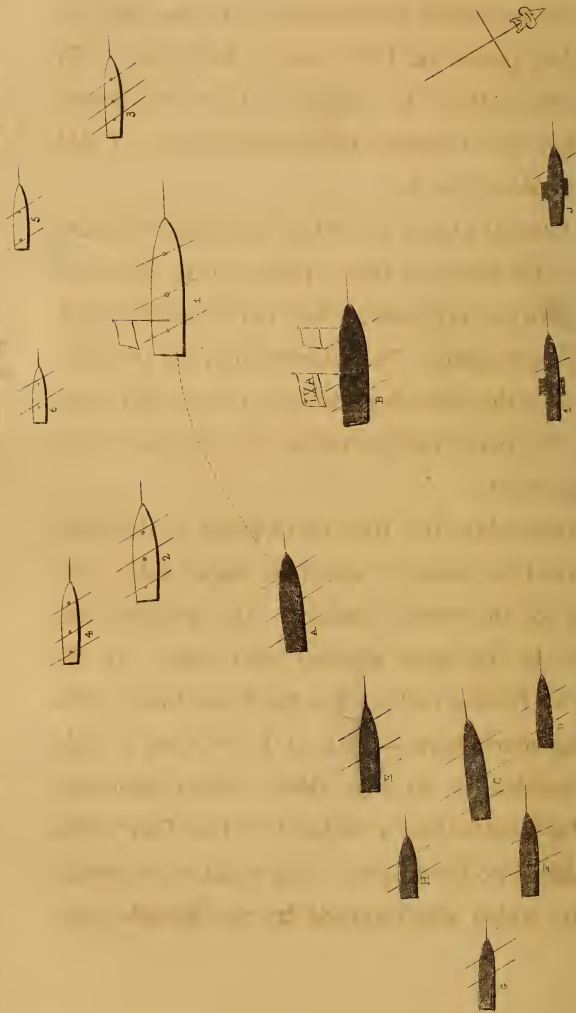
if the statement in the log was true, to which they all replied, that it was perfectly correct, "Then, gentlemen, I am much obliged to you all for calling me a coward," he exclaimed; and turning round in a great rage, went upon deck.

On the 2nd, we anchored with the whole squadron at the Bayonna Islands, and were employed in setting the rigging to rights, and getting the ships in order. The enemy were riding about six miles off, in Vigo Bay. In two days time, while we were at breakfast, the Admiral abruptly addressed me, "You will send Mr. Robinson, your first lieutenant, to the *Rainha*; Mr. Ludlow, your second, to the corvette; and I will find some other ship for Mr. Ross, your third." This unexpected insult was rather too much for me, and I therefore said, "I resign my ship to you, Sir, at once."—"Oh, very well," he replied, "I am *very glad of it*; make the signal for Captain Morgell, whom I shall appoint to her." I went upon deck, and did so. The Admiral soon after came up, when Robinson and Ludlow requested me to return their commissions to him; I advised them not to give

them up ; I should not, I told them, surrender mine, except to Dom Pedro, from whom I received it : but as they had no wish to retain their's, I did as they desired. The Admiral took the commissions, merely saying, "very well ;" but, after a turn up and down the deck, told me he should not receive them ; and that those two officers were to consider themselves under arrest, and that he should accept my resignation only "My resignation," I replied, "is, not however to prevent the court-martial I have demanded."—"You cannot," he said, "be tried, if you resigned:" and I rejoined, "then I hope to find, when I get to Oporto, that I have interest sufficient to obtain a trial by court-martial;" upon which, he refused to accept my resignation. But I told him, "it is now too late; you have, Sir, accepted it, on the quarter deck; and from that moment I do not consider myself Captain of the ship." Captain Morgell now came on board; and on being desired to take the command of her, requested the Admiral to give him an hour for consideration. To the great credit of that valuable and gallant officer, he employed the time in endeavour-

ing to persuade me to seek a reconciliation with the Admiral. I pointed out the scandalous manner in which I had been treated by him throughout; the sacrifices I had made in assisting him to equip the expedition; the repeated breaches of solemn promises made to me; and the subsequent shameless insults, which had been unceasingly heaped upon me, and the small hope I had of acquiring honour, of rendering any service to the Queen, or of even barely performing the duties of captain, with credit, while under his command. But Captain Morgell told me, I had certainly committed an error in speaking my mind so freely to my officers respecting the Admiral's conduct; and entreated me, at that moment, to forget all of which I complained, rather than risk an appearance prejudicial to me, by resigning in the presence of the enemy's squadron. To such honourable, and disinterested arguments, it was impossible not to yield. I went to the Admiral, and told him, that I came, by Captain Morgell's advice, to say, I was sorry I had spoken of him in the manner in which I had, before my officers; and that





A Rainha de Portugal 46  
 B Doria Maria 42  
 C Portuguese 20  
 D Constitution Botic 13  
 E 23<sup>rd</sup> July Brig 18  
 F Regencia 18  
 G Villa Flor 16  
 H Mendella 13 1 J Steamer

Position of the Two Squadrons when the Action began  
 11<sup>th</sup> October 1832.

1 Don John 76  
 2 Princess Real 52  
 3 Gbelle 26  
 4 Maria Isabella 24  
 5 Tagus 18  
 6 Andaya Brig 18

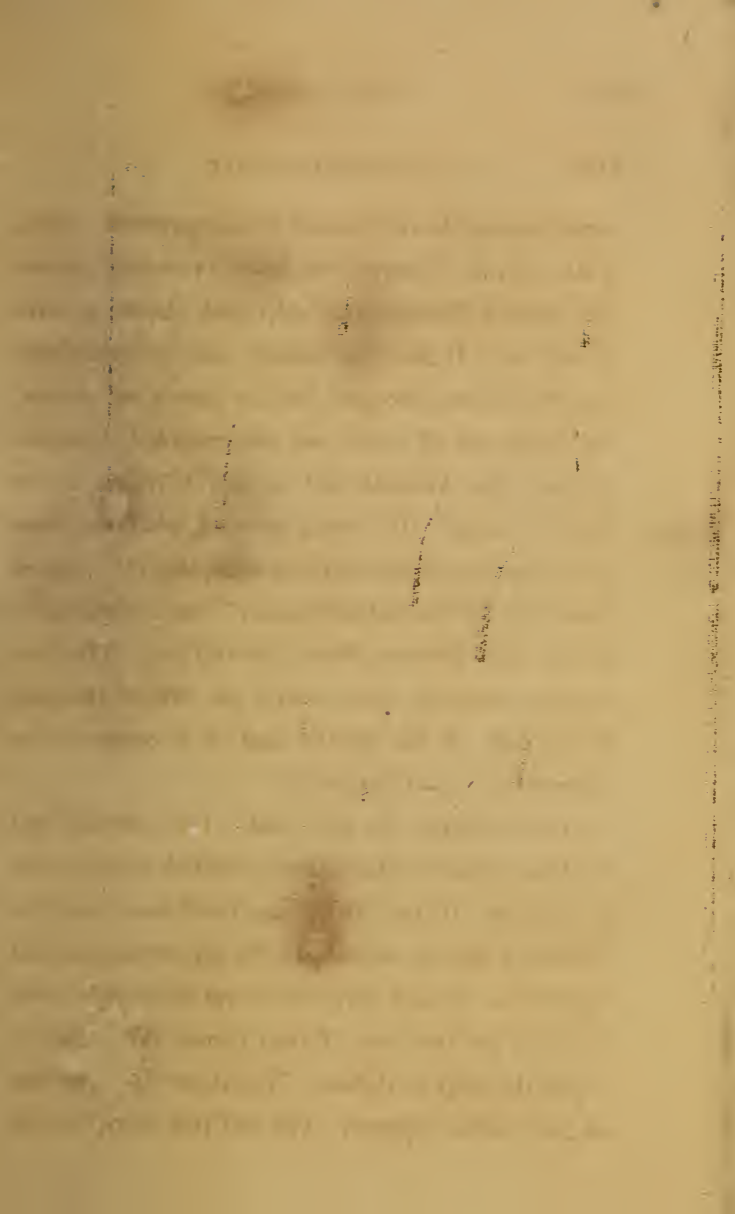
I requested he would shake hands with me, and let all that had passed on both sides be forgotten. "It shall all be settled," he replied, "if you will repeat that before the Captains of the squadron." I did so, and we shook hands.

The Admiral placed his other hand on his heart, saying, "All that has taken place up to this moment, I give you my honour shall never be mentioned, or thought of again." Notwithstanding, my two lieutenants were the same day sent out of the ship, and replaced by two strangers to me, just on the eve of an engagement.

On Wednesday, the 10th of October, at daylight, we observed the enemy's squadron under weigh, and standing for the South Channel. We weighed, and went out by the same channel with them. In the evening we tried a rocket; but the frame burst, without doing much harm.—11th at 1. 50 A.M., a light breeze enabled us to edge down within gun-shot, when the *Rainha* put a rocket into the *Don John*, and another into the frigate. The enemy now opened their fire, which was returned by the *Rainha*, and

ourselves, and the engagement became general. About 2.40. P.M., we observed the *Rainha* running between the enemy's line-of-battle ship and ourselves, with all sail set; I threw all aback, and put the helm up, which soon brought her on our weather bow, and there, not of much use, she remained the whole action. The Admiral said to me, "Where is the *Rainha* going? I, bearing in mind, what had been said about her, in the first action, replied, "Oh, never mind, Sir, she'll come back again;" but unfortunately for the poor *Donna Maria*, she did not. The consequence was, for three hours, the fire of the ship of the line, of the frigate, and of a corvette, was centered on us.—(See plate.)

At five o'clock, the wind had a little shifted, and the *Don John* was about three hundred yards on our lee quarter. It then struck me, I will now show the Admiral I am not ashamed to fire my stern guns, and I got them out, and gave her several shots with them, on which she bore up. I then turned the hands up, to put the ship to rights. The frigate was now seen on our weather quarter. We had just ropes enough





	Guns	Men
1 Don John	75	800
2 Prince's Real	52	500
3 Cyble Corvette	26	250
4 Isabel Maria	24	250
5 Tagus Brig	18	150
6 Andaja Brig	18	150

*The Second  
Position of the Squadrons.*

*Oct. 11<sup>th</sup> 1832.*

	Guns	Men
A Rainha de Portugal	46 18 lbs	320
B Donna Maria	42 18	300
C Portuense	20 24 C	130
D 23 <sup>rd</sup> July	18 18 C	100
E Regencia	18 18 C	99
F Villa Flor	18 16 C	99
G Constitution	13 Long 18	10 Medium 12 50 Men
H 1 <sup>st</sup> or 2 <sup>nd</sup> Division Steamer		3
I 4 <sup>th</sup> or 5 <sup>th</sup>		

spliced to get on the other tack ; we therefore tacked, and about a quarter of an hour after, exchanged two or three broadsides with her, when she bore up. We were then all anxiety to get the ship ready again. By great exertions, all the ropes and shrouds were spliced and knotted, the masts and yards strongly fished, and the two courses (the only two sails rendered quite useless) shifted. This was by 10. A.M. I then went down to the Admiral, and reported the ship ready to go into action, and asked if we should go on the other tack, and follow the enemy ? But, to my surprise, he made excuses. It has since been said, either by him, or for him, that his ships were so much cut up. Now the *Rainha* lost her jib-boom only, and had *only* eight shot in her hull ; while the other ships were not hurt at all, except the *Donna Maria*. She had eighty shot in the hull, it is true ; was making water : but I had her all ready by 1<sup>h</sup> o'clock.

Again, he himself (since Napier's gallant capture of the enemy's fleet) has said, that " He would have done the same on this occasion, if his men were not dissatisfied, and unwilling to fight, on account of their

arrears of pay." If this be true, why did the Admiral, a few days after the action, as he was leaving the *Donna Maria*, to return to his own ship, turn the hands up, and tell them he was delighted at their conduct; that they had behaved most *nobly* and *gallantly*; and had done all that *flesh* and *blood* could do; and that he thanked them for their conduct? Can he have forgotten the reply of the men, who, alluding to the letter they had written to me respecting him, said, "We hope, Sir, that all that has happened, will now be forgotten;" or his own answer, "All, I promise you." This being the second time, within so short a period, of his pledging himself to bury all matters of offence in oblivion. And can he not remember Davies, the captain of the maintop, saying to him, "We were *too far from them*, Sir; I hope next time *you will take us nearer?*" And will he persist, after being reminded of all this, in libelling these gallant crews, who never thought of their pay when the enemy was in sight? He, perhaps, may never have heard, or, having heard, has found it convenient to forget, that while the men

were working hard to get the ship ready to renew the action, and he was thinking how far it was to Oporto, they asked me to give them some grog ; and on my telling them there was not time, that they must get the ship ready to fight again, they said, “ We will work away, and only go down one at a time for the grog.” Does he not remember too, that, in consequence of my having heard him address the men in terms of such high admiration, I said to him, “ I hope, Sir, now you have told the men all shall be forgotten, you will allow my two lieutenants to return to me ?” He gave them permission ; and as they came on board, the seamen crowded to the booms, and welcomed them with three cheers.

That he wanted to communicate with Oporto, was the chief excuse that he could offer. I expostulated with him, and said, “ I hope, Sir, you will not give them up now ; they are already well thrashed ; let us not give them time to repair their damages ; the steamer can follow us ; and when your letters are ready, we can put them on board.”—“ No,” he replied, “ We shall see them again before they get to Lisbon, and I wish

to communicate with Oporto!!!” I left him, and said, “This is too bad; I never can stay with him after this.” Thus was I obliged to run away from a flying and a beaten squadron. What might we not have done then, if the Admiral had not been so anxious to get away from the enemy? Let the recent capture by the same ships, but under the command of another man than Sertorius, of a squadron of much superior force, answer the question.

Perhaps the terms of eulogy in which I am spoken of in the Admiral’s dispatch, ought to prevent me from calling attention to that document: but I am more gratified, by finding that my conduct met with the approbation of my officers and men, than by any compliments paid me by that man, whose pusillanimity and incompetence prevented us from gaining a decided victory, and crowning himself with laurels, which we were then ready, willing, and able to win for him. Besides, I feel it my duty to do justice to those officers, mention of whom was so improperly omitted by him. I am far from wishing to detract from Colonel Williams, and Captain Boid;

but I think the compliments paid them, were not due to *their services on this occasion*. They had not even the opportunity of emulating, in zeal, vigilance, and activity, with Captain Popham Hill, of the Marines, to whom, I shall ever feel myself deeply indebted, not only for the courage, skill, and energy, evinced during this action, but for his previous exertions, on all occasions, in organizing and managing the marine force; or my first lieutenant, Wilson, who I think is particularly ill-used, in being passed unnoticed. This was the first engagement of the kind which he had been in, and his coolness and active intrepidity, ought to have been noticed; nor is it fair to have omitted mention of the other captains, particularly Captain George, and Lieutenant Ruxton, of the *Constitution* and the *Mindella*, who nobly supported Captain Morgell.—I cannot say that all was done which might and ought to have been done; but Captain Bertrand did his best; it was no fault of his, that, when his ship was found to be in a disadvantageous position, no signal was made to him to take up another. The Admiral, in fact, never, during the

whole continuance of the action, made one signal, or gave one order, and, I believe, he never once even looked over the hammocks. A sailor must be surprised to read, that “finding that my *larboard* shrouds had suffered much, and that some of the guns on the same side had become temporarily unserviceable, I proceeded to put about, in order to engage on the *starboard* side\*,” as if the shrouds on one side are safer than on the other. The truth is, we had but one gun disabled on the *larboard* side on the quarter deck,—one on the other side being in the same condition; and more, we put about to attack the frigate, and not to fight the line-of-battle ship with the *starboard* side; and after we had put about, there was no firing at all, for at least twenty minutes. There were killed and wounded, altogether, including those slightly scratched only, upwards of fifty; but, as I did not like to swell the list unnecessarily, I omitted these last, and gave a list of thirty-four to the Admiral. When, however, I saw the dispatch in print, I found

\* Appendix, No. XXXVII.

the Admiral had inserted his own name among the slightly wounded, after the surgeon had signed the list; a circumstance I suppose he must have forgotten, when, on the 7th February, 1833, he spoke, in writing to the Minister of Marine, of the correcting an error in the proceedings of a ship, as being almost as improper as an interpolation of the Scriptures. And by this time, I have no doubt, his wound is so thoroughly healed, that he will be puzzled to tell his friends where he was hurt. It must have been slight, indeed, as no one in the ship heard any thing of it at the time. Perhaps he and his secretary succeeded in compounding that wonderful elixir, in the manufacture of which, Don Quixote and Sancho so egregiously failed.

On the 20th, finding the enemy's squadron had re-entered the Tagus in a shattered condition, we anchored off Oporto, where the Admiral went on shore, and we waited for stores, preparatory to proceeding to Vigo Bay to refit. As the *Donna Maria* had received about ninety shot in her hull, and her lower masts were badly wounded, and she required so much repair, that

it was absolutely necessary to go to smooth water, I could not think of leaving her in this condition, and therefore resolved to set her to rights before I resigned\*.

While we remained at anchor off Oporto, the Admiral was amusing himself on shore; that is, he was quarrelling with the Ministers, but without the least appearance of wishing “to see the enemy† again before they got to Lisbon.” I received a verbal order‡ to land all my marines and small-arm men, seventy of the best of my ship’s company, for the defence of the Foz Castle. The Commissary-General paid them two months in advance; and yet, with this money in their pockets, the sailors were expected *not* to go into a grog shop, and *not* to drink any thing, except their

\* The *Donna Maria* expended, in the last action, 1350 shot, and 4300 pounds of powder.

† See p. 121.

‡ “To the Captains and Commanders of Her Majesty’s ships at Belle Isle.

“It is the Vice-Admiral’s commands, that all verbal orders proceeding from the flag-ship shall in future be duly attended to.

“By order of the Vice-Admiral,

(Signed)

“E. BOLD.”

allowance,—a forbearance never shown by Jack on shore, as long as there is a single shot in the locker. Forty men of the *Rainha*, and her marines, were sent on the same service. They all got drunk—refused to remain in the Castle—and behaved so mutinously, that it was necessary to send them to the prison-ship; and the Admiral forwarded an order to Captain Crosbie and myself, forbidding us to receive them on board again.

I was aware that the Admiral always seemed to think that my men were too much attached to me and their officers, and appeared to seek an opportunity of getting them away from me.

And yet I could not at that moment be surprised at this order; nor should I now complain of it, (though in my own ship, I could have managed them very well, and have kept them to their duty) if it had not afterwards been but too apparent that it was given, not to punish the offenders, and be a warning to the rest, but for the purpose of annoying and insulting me.

In a few days a steamer came out of the Douro with

a number of these men, and having delivered the *Rainha*'s men to her, hailed me to take mine. This, immediately in the face of the order, appeared so strange, that I sent to the Admiral, who had gone on board that morning, to inquire if I was to receive them; a verbal answer was returned, that he would not permit them to be taken on board. He afterwards again went on shore; and, when I saw him there, I pointed out to him the state the ship was in—how she had been knocked about in the action, and that she was now making seventeen feet of water a day, while I, being deprived of my marines, sixty in number, and seventy of my crew, besides those killed and wounded in the action, had only about one hundred and seventy remaining, a number wholly insufficient to set her to rights; and I begged, that, as he had allowed the *Rainha* to have her hands back, he would let me, too, have mine again. But my representations and request availed nothing. He said he would “sooner work himself, than let them return;” and that the *Rainha*'s had been received against his order, though, when they were in the ship, he did not like to send

them out again." My men, I found, had been distributed on board the small ships, and all my subsequent endeavours to get them back were alike unsuccessful, till, when in Vigo Bay, refitting, he gave me permission to take twelve of them. I wished particularly to have my coxswain, George Reiley, and gig's crew. I got eight of them from the *Villa Flor*, and then went to the *Mindella*, in which the coxswain and the others were. The commander, Lieutenant Ruxton, informed me that the men had declared to him, that they would leave the service rather than join me. This surprised me not a little, as many had, when they had occasion to come to the *Donna Maria*, endeavoured to hide themselves, that they might remain in her. I turned to Reiley, who was standing by, and inquired, "Can this be true?" He answered, "Yes, Sir, I do not wish to go back."—"What are your reasons?" I asked; "though I certainly will not have any body but a volunteer?"—"The Admiral has told me, Sir, you would not take me back."—"He never could have said so," I replied; "for he has almost quarrelled with me for continually entreating him to let you return to

me.”—“ The Admiral told me, Sir, when I asked him to let me go back, that you gave me a bad character ; and also remarked, ‘ You see Captain Mins will not have you ; for the other day, when you went out in a steamer, with many men of both frigates, the *Rainha* took her’s, but Captain Mins would not take his.’ ”—“ Good God ! ” I exclaimed, “ is it possible he can have attempted to injure me in this manner, when I had his own order not to take you back, and all my entreaties have failed in persuading him to recal it ? ”

At this moment, while I was in a state of high excitement at the discovery, the Admiral came near in his boat : I jumped on the gunwale of the brig, and said, “ Admiral Sertorius, one of the most singular things in the world has occurred ; my coxswain, whom you know I have been doing all in my power to get back, states to me, that you have told him I would not take him again.” How the Admiral felt I cannot say, but he looked as white as the paper on which I am writing, stammered a denial, and, telling the men they might go with me, seemed right glad to row off. The men were now anxious to rejoin me, and I took all I had

leave to take ; and subsequently found that he had spoken of me in the same manner to the others as he had to the coxswain. I shall leave these facts without comment ; and, having interrupted the course of the narrative, in order to bring them under one view, resume it at Oporto.

At Oporto, I went to pay my respects to the Emperor, but left him as soon as I could, that I might not be questioned about the action ; having learnt from others, to whom I spoke my mind very freely, that a Portuguese gentleman, who was on board the *Rainha*, had informed his Majesty of many of its details, and that his representations of my conduct, confirmed by the dispatch, had made such a favourable impression on his Majesty, that he intended to promote me to the rank of a graduado Rear-Admiral\* : but when the list of promotions appeared, instead of my own, the first name on it was Captain Boid, the Chef d'État-Major,

\* I subsequently learnt, when the Marquis Palmella and Senhor Mozinho breakfasted with me in Vigo Bay, among other astonishing things, that Sertorius's interference had prevented my intended promotion.

the private secretary and confidential adviser of the Admiral, who was indebted for the high encomiums bestowed on him in the dispatch solely to the circumstance of having himself written it. The rank now conferred on him was that of Capitao' da Frigata *effectivo*. To say nothing of the absurdity of giving "effective rank" to one who held a civil appointment, did his "peculiar duties" entitle him to promotion at all? His services during the action certainly did not; and I cannot conceive how he displayed "zeal, intelligence, and activity," who never, during the engagement, moved from the spot on which he first stood;—who said nothing, and did nothing, for he had nothing to do; who, I had occasion to see, did not know *one rope from another*; and whom, I verily believe, hardly knew the *main brace* from the captain's *epaulettes*. This, perhaps, was his misfortune, rather than his fault\*; yet he was made captain of frigate *effectivo*; but his vanity ever stood in his way, and made him generally disliked.

\* He was taken a prisoner when quite young, and remained as such all the war, and never served for one hour afterwards.

Captain George, honourable mention of whom had been shamefully omitted, having written a long letter to the Admiral, obtained the promotion he so well deserved. Other officers too were promoted, though I think, if strict justice had been done, we should *all have been shot for not taking the enemy's squadron in spite of the Admiral*, after we had well thrashed it, and had it in our power to do so. What bloodshed might have been spared ! and I, if the Admiral had then done his duty, should have had the satisfaction, all personal insults forgiven and forgotten, of knowing that my name would be recorded, next to his, on that bright page of naval history, which Napier's now adorns.

In the mean time, the Admiral, who had been made a major-general at Terceira, and hitherto had not discovered that that title imposed any duties on him, began to fancy that the situation ought not to be a sinecure ; he therefore opened an office of major-general ; and the English, all of whom had stipulated that they were to be considered as under English laws, customs, and regulations, were not a little puzzled to find they were subject to two Admiralties : and what

was as extraordinary as dangerous, the naval commander at the head of one of them. His first act, in his new capacity, was to quarrel with that excellent man, Mozinho d'Alberquerque, the Minister of Marine, who resigned in consequence. To this gentleman, on his appointment, the Admiral had formerly addressed a letter of congratulation, declaring his conviction that the affairs of the naval department would now be well conducted, since there was at the head of it a man of his known judgment, and profound abilities, with more of such fulsome flattery. About this time a kind of demi-official letter\* was addressed to me by "Capitao' da Fragata efectivo Boid," requesting me, in the Admiral's name, to *insinuate* to the officers of the gun-room, that the allowance of table-money was made, to enable them to support the respectability of the service, and that it was his most particular orders that it should be expended for that purpose alone. I had dined with them every Sunday, and can testify that they kept a very good mess; but for the last few months, as, instead of money, they could only get bills,

\* Appendix, No. XXXVIII.

which they were obliged to send to England, they had not been able to provide themselves with all they required ; and this letter could have been written only to make me the medium of insulting them. I, however, *insinuated* the contents of it to them, by giving it to them to read. I do not believe my officers had saved any of this allowance ; and I presume the Admiral chose the present moment for this ill-judged and petty *insinuation*, from finding, about this time, his purse rather heavy with savings out of his own table-money, 3*l.* 3*s.* a day. He had just left my ship for the second time, having hoisted his flag on board her twice ; the first time for a month, the second for ten days ; he and his secretary having done me the honour to partake, during the whole time, on both occasions, of my hospitality—opportunities these for laying by some few odd guineas. However, in justice to his liberality, I must say, that each time he left the ship, he expressed himself desirous of giving my steward a present of a pound, and requested me to do it for him : yet he so contrived matters, that his bounty did not diminish his savings ; and at the present moment I still hold

the steward's receipt\* for these donations, which the Admiral has never repaid me.

Finding I could not procure any stores, or any men, I set off for my ship, intending to put her in the best order I could, previous to resigning her. When I got to the mouth of the Douro, I found the wind blowing half a gale, and the ships already under weigh: however, I got an English man-of-war, which was going out, to tow my gig, and give me a passage. She put me on board Captain Bertrand's ship, and from his, I got to my own. The ships were under close-reefed topsail; but seeing the weather was not likely to get better, and finding mine, as she heeled in the water, very leaky, I made all sail to Vigo; and on Friday, the 9th, anchored about two miles above the town. For fear of being sent out, I commenced un-rigging at once, and in three hours the main-top was on the deck. The health boat came, to put us in quarantine. I asked whether, if I saluted, it would be returned; and as I was informed they had neither guns

\* Appendix, No. XXXIX.

or powder, or else they would do so, I hoisted the Spanish flag at the main, and fired twenty-one guns; as I wished to make friends if possible, I thought it advisable not to withhold this compliment. During my stay, I had occasion to correspond much with the Governor, and the Spanish authorities: I obtained all I wished, and ultimately got *pratique*; and on the whole, we were on such friendly terms with the Spaniards, that I succeeded in procuring the release of a Portuguese subject from a long imprisonment, and sent him to Oporto. Stress of weather had obliged the *Rainha* to put in here, also the *Portuense*, and the new frigate, *Dom Pedro*. The last had come direct from France. On the Governor writing, to request I would send her to sea, I immediately did so. The *Rainha* sailed soon after her. On the 22nd, the *London Merchant* (steamer) arrived from Oporto, on her way to England, with the Marquis Palmella, Senhor Mozinho, the late Minister of Marine, and several other persons of distinction. They did me the honour of breakfasting with me; and I now learned many things relative to the Admiral's intrigues

against me ; amongst others, his interference to prevent my promotion. The steamer departed the next day. The Marquis had supplied me with 275 crusadoes, to purchase bullocks; and I dispatched the *Boa Esperanza*\*, one of our small schooners, with some to Oporto. This was the first cargo which was landed there, and they were much wanted. The main-mast, which had been shot through in three places, was strongly fished, the ship well painted, and all in perfect order, by the beginning of December. Every thing in the hold had been moved, for the triple purpose of getting the shot holes out of water, for the carpenters—of stowing the old guns properly—and of searching for the money which had been stolen from the prize, as some of it might have been secreted in, and among these guns, and I placed a midshipman there to watch. As I intended sailing in a day or two, the man who had supplied the ship with bullocks wanted to be paid, and I had no money, except some the men had given me to keep for them, and that which they had placed in my

\* Appendix, Nos. XL., XLI., and XLII.

hands, when they wished to send some home, and get the bills on England. This I never liked to touch, as I wished to be ready to answer their demands at all times, and I always was prepared to do so, though the Admiral had circulated some abominable slanders against me, with respect to pecuniary transactions ; but I shall, in the proper place, show the falsehood of them, and therefore will not dwell on them here.

On the 6th, in consequence of some change in the Spanish Cabinet, we got *pratique*, and I immediately went on shore, to pay my respects to the Governor, and other authorities, who received me most kindly.

While at Vigo, I learnt from a Spanish gentleman, who had come from Braga, where Dom Miguel and his sisters were, that the eldest princess wished to escape, and join her brother at Oporto. I arranged a plan to assist her in this object, the execution of which the Spanish gentleman gladly undertook. He was the bearer to her of a letter from me\*, tendering my frigate for her reception, and offering to convey her

\* Appendix, No. XLIII.

to any place of safety she chose ; but the arrival of the Admiral took this, and every thing else, out of my hands, and I do not believe he took any trouble about it.

The *Rainha* now came in, and the Admiral hoisted his flag on board her. Though she had not *pratique*, we went on board her, as if she had ; and on the 9th, the Governor gave a grand ball ; we received a pressing invitation, which of course we accepted.

I now, at the Admiral's request, went on board his ship, to assist in counting the money taken out of the prize captured by Captain Morgell, which we found to amount to

22,063 in Spanish dollars.

500 in gold dust.

200 in gold goin.

1,000 in Colonial coin.

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23,763 Total.

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The Admiral said he would send some on board the *Donna Maria*, that the men might see he intended to share it out ; but that, in the absence of the

Commissary-General, who had been appointed prize-agent, it could not be paid. I told him I was sorry to hear that, because my officers had no money to buy stock, and could not get their bills cashed; and that, as the captains' shares could be easily calculated, if he would let me have mine, I could supply their present necessities. He said, "Very well; and mine can as easily be reckoned, so I will take it." He then made the following calculation:—

Total amount . . .	<u>23,763</u>
An eighth, the Admiral's share . .	<u>2,970—3</u>
Two-eighths for the Captains . . .	<u>5,940</u>
One-third, there being three Captains	<u>1,980</u>

There, he said, when I send the money on board, you may take that, as it is your share.

I must, for a short time, postpone noticing a most extraordinary court-martial, held on Captain Rose, for the purpose of stating what subsequently occurred with respect to this prize money. When the prize-agent came on board, about the 18th, he asked me, "Do

you know how many there are in your class?" I said "Certainly; there are three." He replied, "There are four; the Admiral has *ordered* me to put Lieutenant-Colonel Williams, of the Marines, in it." I answered, "You are prize-agent, and are to be guided by the British regulations; I do not care for all the orders in the world; if you do not pay me my share, I shall hold you responsible for it." Crosbie had intimated to me, by letter\*, that it was his opinion "that we ought to put a negative to this mandate of the Chief." The agent said, "I know you are right, but I must obey the Admiral, and take the consequence;" and I then told him, that, by the Admiral's permission, and according to *his own calculation*, I had taken my share, and I would not give it up: make *your calculation*, I added, and if I have more than one-third of two-eighths, I will refund the difference; but that I have, and that I will keep." The next day the Admiral sent for me, and addressed me, saying, "So, Sir, I understand you disapprove of Colonel Wil-

\* Appendix, No. XLIV.

liams sharing as a captain.”—“ I said, I most certainly do.” He then argued about the naval regulations; but I told him, “ With due deference to you, Sir, I flatter myself I am also acquainted with the British regulations; and I know that, according to them, Colonel Williams cannot share, nor would I allow the Count Villa Flor, or any other person, to have any part of mine: however, Sir, this is a private affair, between me and the agent, and if I am not satisfied with him, it is with him I shall have to find fault.” To this he replied, with all the consequence of a man who fancies his power authorises him to perpetrate any act of injustice, “ All I can say, Sir, is, if you do not return the money, I shall not sign any more of your bills for pay.”—“ Very well, Sir,” was all the answer I thought this deserved.

In the mean time, four or five more of our men-of-war arrived, and the *Villa Flor*, with Captain Rose as a prisoner. On the 14th, I received the following most extraordinary order:—

*Her Most Faithful Majesty's Ship, Rainha da Portugal,  
Vigo Bay, December 14, 1832.*

You will assemble a Court-Martial to be held to-morrow morning, at eleven o'clock, on board the *Donna Maria*, for the trial of Commander Percy Rose, on account of the charges herein contained, and brought against that officer by me. For which purpose you will summons the undermentioned Captains and Commanders, to compose the same.

(Signed) R. G. SERTORIUS,  
Vice Admiral and Major-General of Her Most  
Faithful Majesty's Navy.

Captain MINS,—*President*.  
Captain CROSBIE,  
Captain BERTRAND,  
Commander BLACKISTON,  
Commander SHUTE.

*To Captain P. MINS,*  
Her Most Faithful Majesty's Ship  
*Donna Maria.*

I pointed out to the Admiral all its irregularities, according to the English naval instructions, which, as they will be obvious to all naval readers, and uninteresting to others, I shall not here enumerate; but the British public will be probably astonished to find a prosecutor nominating his own jury. I issued the

other necessary orders\*, and enclosed a copy of the Admiral's, with the charges, to the prisoner; and as he wrote to me, stating he had not sufficient accommodation or privacy on board the *Villa Flor*†, I replied by the follow letter:—

MY DEAR SIR,

I shall feel happy to do all in my power, to facilitate any officer in his endeavour to vindicate himself against any charge that may be brought against him; and, with those feelings, I have to offer you the use of my cabin, on board the *Donna Maria*, where you must consider yourself a prisoner.

Friday,  
Her Most Faithful Majesty's  
Ship *Donna Maria II.*

I remain, My dear Sir,  
Your's, &c.  
P. MINS.

To Captain ROSE,  
Her Most Faithful Majesty's Ship *Villa Flor.*

As a brother officer, I thought it my duty to do so, though I knew it placed me in a critical situation with our jealous chief; but as it was but an act of justice to a brother officer, who had to answer such

\* Appendix, Nos. XLV., XLVI., and XLVII.

† Appendix, No. XLVIII.

serious charges, and I had a clear conscience, I cared not for that: however, that I might give as little occasion as possible for offence, I breakfasted and dined on board other ships of the squadron.

On the 15th of December, the court-martial assembled, to try Captain Rose, who, as he held a civil situation, did not come under martial law, on the following charges, worded more like opinions, without a date, stating no fact, and replete with so many other irregularities, that a court-martial, in the British navy, would not have allowed them to be received at all; and perhaps an error in judgment might be imputed to us, for passing over, in deference to the Admiral, these irregularities, and proceeding to examine the merits of the charges, and to compare them with the evidence adduced in support of them.

#### CHARGES.

“ *First.*—That at a time when the difficulties of our peculiar situation, both with regard to the enemy and the state of fearful revolt and mutiny of the

marine regiment on shore, as well as amongst the sailors embarked, were so alarming, and rendered it so peculiarly the duty of a zealous officer most scrupulously to avoid impeding the public service by setting a bad example, Captain Rose did refuse to take command of a ship to which he was appointed, and sent in his resignation in a manner disrespectful and un-officer like, considering the ship was under orders to force a passage out of the Douro, against the enemy's batteries.

“*Second.*—That the conduct of Captain Rose has been wanting in that zeal which it was his duty to have displayed on various occasions, when opportunities were given him of so doing; and particularly so on the following, namely:—when the squadron under my command was off Oporto, about the 15th of August, in company with that of the enemy, which possessed an overwhelming superiority, the then prevailing calm rendered it probable that an action could be brought on with every prospect of success by means of steam

boats; and for which purpose a steam-boat and a corvette were hurried out to join me—Captain Rose, under such circumstances, permitted the corvette to sail under the command of a comparatively inexperienced young lieutenant, who had never been in a military marine, instead of manifesting that enthusiasm which such an apparent opportunity of distinguishing himself in the career of his profession presented, particularly at a moment when neither his services could have been of so important a nature as to render prejudicial an absence of forty-eight hours, or the desire of competent authority (if ever so expressed) could have been of sufficient force to hold out against what duty, and a just regard for his own character, so clearly indicated in following the road so plainly pointed out by honour and danger.

“*Third.*—That the different vessels fitted out under the inspection of Captain Rose, were sent out in a state highly defective and dangerous, betraying equally a want of activity and professional know-

ledge; the more so, as the wants of those vessels (although of a nature of the highest importance) could have been easily supplied at Oporto; and that when spoken to on the subject, by the respective officers, his conduct towards them was insulting and unsatisfactory, whilst a great loss of time and frequent delays have occurred, by absenting himself when officers have sought his aid.

“*Fourth.*—His want of respect towards me, his Commander-in-Chief, upon various occasions; particularly at a dinner given by me to the Duke of Terceira and several other officers and gentlemen, when his observations and conduct towards me were of a nature most insulting and un-officer like; and also upon another occasion, when Colonel Hodges had called upon me, after his (the Colonel’s) resignation; as also the accompanying letters, addressed to me.”

The Admiral, who was prosecutor, might have imposed on the court, by his reiterated professions of

friendship for the prisoner, and disavowals of all vindictive feeling against him, if these professions had not been belied by the violence of his anger, and the indecency of his exclamations during the defence. I, as president, was placed in a peculiarly embarrassing situation, having on my left hand the Admiral, whom I could only recognise as prosecutor, but who seemed to think that, as Commander-in-Chief, he had a right to overawe the court. I permitted several interruptions to pass unnoticed, till called upon by the prisoner to do him justice, when of course I interfered, and at last was obliged to say—"Mr. Prosecutor, the prosecution passed without interruption, and the defence shall too:" this succeeded in restoring partial order. Captain Rose was honourably acquitted; and I hoped, by some observations I made after the finding of the court-martial was pronounced, to have smoothed down all parties: but the Admiral evidently wished Rose to have been broke, and had hoped to carry his point, by selecting from his own ship three out of the five officers, whom he nominated to try him, and imposed no restraint on himself, to conceal his mortification

at his acquittal. As soon as the court-martial was over, he went into my after cabin, and paced it to and fro, in a state of the most passionate agitation. I begged Captain Crosbie to go and speak to him, to whom he observed, that the sentence was a severe reprimand on himself, and that he must never again attempt to bring one of his officers to a court-martial. On me, as president, he threw all the blame; and I was honoured with all his persecution, though all naval men well know, that when a court is composed of five officers, the opinion of the president signifies little, unless the other four are equally divided; he never can influence their's, as the junior always delivers his first: and as all are bound by oath to secrecy, the Admiral could not know what mine was, or whether we differed at all.

When I reported to the Admiral that his boat was manned, he told me he should hoist his flag in my ship, and desired me to get ready to take in bullocks and pigs,—sad news this, for my fresh green-painted main deck.

The day after, I received an order, desiring me to answer a query, to which I, conceiving it designed to

obtain from me the opinion I had given on the trial, replied—

*Her Most Faithful Majesty's Ship Donna Maria II.  
Vigo, 21st December, 1832.*

SIR,

In obedience to your written order, of this day's date, *viz.* that I do immediately "forward you, in writing, my official answer to the following questions, *viz.*—Do you think that an officer is justified, by any circumstances, during a time of active war, in refusing the command of a ship?—whether such is, or not, an infraction of military discipline? and that infraction very much aggravated if the ship be at the moment under sailing orders, on a most important service?"

I have most respectfully to state, that, on comparing it with one of the charges lately laid before a court-martial, at which I was the president, and finding them to be so nearly alike, I am bound, by the sacred oath I took there, not to divulge the particular opinion of any member; and not being able to give my opinion on the question, without divulging what my opinion was then, I feel myself bound, by oath, to be silent.

And I have the honour to be,

Your Excellency's

Most obedient humble Servant,

P. MINS, Captain.

To His Excellency Vice-Admiral SERTORIUS,

Commander-in-Chief, Major-General, &c. &c.

Captain Bertrand, however, to whom the query was also addressed, not considering it, as I had, to be connected with the charges on which the court-martial had decided, replied; and he has obliged me with a copy of his answer, which I subjoin.

*Her Most Faithful Majesty's Ship* Portuense,  
Vigo.

SIR,

With all due respect to your Excellency, after thirty years' experience in the British navy, I do consider that many circumstances may induce an officer to refuse the command of a ship, although in the active time of war.

How far it is an infraction of military discipline, I trust your Excellency will pardon my answering, as it must be left to superior powers to decide.

I have the honour to be,

&c.

(Signed) H. P. BERTRAND.

This was followed by a reprimand, in these words—

*Her Most Faithful Majesty's Ship* Rainha da Portugal,  
Vigo Bay, December 21st, 1832.

MEM.

The sentence of the court-martial having adjudged that the third charge of the Commander-in-Chief, against Captain Rose, was in consequence of false reports having been made to him on the conduct of that officer, the Vice-Admiral requests that, in future, the members composing that court will be more correct in their statements of the proceedings of officers, as it was chiefly on the reports made to him by the majority of the members that he founded his third charge against Captain Rose.

By order of the Vice-Admiral,

E. BOID,

Captain, and Chef de l'État Major.

To Captain P. MINS,

*Her Most Faithful Majesty's Ship* Donna Maria.

To this reprimand, I must here subjoin an extract from a letter from Captain Rose to me, dated London, August 19th, 1833. "With respect to the other part of your letter, relative to Admiral Sertorius's reprimand to the court, I have only to say, it is of a piece with the charges he preferred against me, for Captain Bertrand was the *only* member of the court I ever came in contact with on duty. But why were the reports mentioned by the Admiral not laid before the court? for it cannot be supposed that an officer of his experience, and holding the high station he did, would have preferred charges before a court-martial on mere verbal report."

But the court-martial so haunted the Admiral the whole night, that Captain Bertrand's signal, and mine, were made at day-light. On going on board his ship, Captain Blackiston informed us, that he was at his prayers; after walking the deck for half an hour, Captain Blackiston again went down, the Admiral was still on his knees. I trust his prayers were then effectual, to obtain pardon for the past; and that at some future period he may be absolved from the guilt of that which followed.

At last we were summoned, and he spoke to me in such an imperious tone, and in such a manner, of the court-martial, that I could not forbear saying, "Admiral Sertorius, do you, Sir, think you can get me to break my oath, or can you even wish me to do so, the moment after you have risen off your knees, and have been praying to your Maker?" He then turned to Captain Bertrand, and said, "And you, Sir, you dared to think of going to England in your ship, and put your helm up for that purpose ;—had I, Sir, done as Dom Pedro wished, I should have removed you from your ship." Captain Bertrand indignantly replied, "that he had never done so, nor had such a dishonourable intention ever suggested itself to his mind." We were obliged to listen to many more equally offensive observations, before we returned to my ship. At breakfast, Bertrand said to me, "Mins, the Admiral must be mad; it is impossible he could behave in this outrageous manner, if he were not mad; you, really, as senior Captain, ought to put him under arrest." I replied, "I perfectly agree with you, Bertrand, in thinking he is mad; but will you and

Crosbie write to me on service on this subject, I may then be inclined to take some steps." He answered, "Oh ! no, I should not like to do that."—"Then I only hope," I said, "He will bite *you* ; depend upon it I shall not stop him ;—for myself, I do not mean to sail from this place in this ship, nor under him."

On the 20th of December, I took in sixty-five bullocks, and twenty-one pigs ;—the ship was full on the main deck, and on the gangway ; we got under weigh, and anchored off the town. I received orders to go to sea, but on turning the hands up, "Up anchor," the lower deck ladders were immediately unshipped, and my first lieutenant informed me, that the men declared the ship should not go to sea, till they were paid. The Admiral, whom I informed of what occurred, sent word, he could do nothing while the weather was so bad, but he would come on board as soon as it was finer, and in the mean time I might let as many of the men as chose, run away. He came on Saturday, and on speaking to the men, found that the proceedings on Captain Rose's court-martial had destroyed their confidence, and made them think that

there was no money at Oporto to pay them—while the promises made to them had been so often broken, that they did not like to go on tick any longer;—besides, they had heard that Captain Mins was going to leave the ship, and he, they said, has treated us very well; and if Lieutenants Robinson and Ludlow were going too, as they had heard, “We shall have nobody to look up to for our rights.”—“If this is the case,” said the Admiral, “I will remove Captain Mins at once, *though I never before had the least intention of doing it.*” They all exclaimed, “Oh! then it is all up.” The Admiral became enraged, and called out, “I must know who is to be Commander-in-Chief;—all those who are for my being Commander-in-Chief, go over to the other side of the deck; those who are for Captain ——,” and he stopped short;—not one man moved. He ordered, “Pipe down;” and after two or three turns on the deck, said, “Send the men aft,—I must know if I am to be Commander-in-Chief.” He repeated the question to them, as before; and, as before, not one man moved.

I had not, during all this time, opened my mouth—

but I now said, "You do not understand the Admiral;—you wish him to remain in command."—"Yes, Sir; yes, Sir;" from many mouths. "Then go over to the other side of the deck;" they all did so. The Admiral ordered them to be piped down, and they went, though much dissatisfied\*.

In answer to his inquiries, as he was going away, I told him I would again make the trial, but I did not think they would get the anchor up. They refused, as I expected; and I again sent to inform him of it.

On Sunday he returned to my ship—lost all command over himself—told them, if he had a million of money, he would not give them a single penny—and ordered me to let all those who chose to leave, have boats immediately. When he had departed, I begged the men to reconsider their determination, but could not prevail on them to alter it. I therefore told them

\* After I reached Oporto, I learnt that the Emperor had expressed himself much dissatisfied with the Admiral; and to get him handsomely out of the way, asked him to remain at Oporto, and perform the duties of Major-General, and give up the squadron to me. This must have been in his head, when he addressed the men in this manner.

to stay for their dinner, while I went to see the Admiral. I found him obstinate; and seeing I could do nothing with him, I told him I deeply regretted the state of affairs, but I had for some time made up my mind to resign the ship, and wished his permission to do so; but now, as the ship was unmanned, I felt, in honour, bound to stay by him, until the Portuguese for whom, with his sanction, I was to send, arrived. He replied, "Very well;" and subsequently said to one of the lieutenants, "Hutchinson" (my first cousin), "as soon as Captain Mins goes, I shall take you into my ship;" and he mentioned my resignation to many other persons. About one hundred and sixty men left the Admiral's ship, and sixty left mine. To me it was, indeed, heart-rending, to see these poor fellows, who had served so long, and fought so well, many of them wounded, their pay in arrear for six or eight months, going over the ship's side, and leaving all behind, while I had received bills of all the pay due to me: and so had the Commander-in-Chief, who, when affairs did not look very promising at Oporto, had taken such care to secure his own pay, that on

one occasion he made the Commissary-General give him a bill for it, two months beforehand. Will he ever reflect on these things? And what will be his feelings if he does?

My poor fellows came to me, with tears in their eyes, to wish me good bye; they hoped, they said, the Miguelite fleet would not meet us, for they would be sorry to fight against their old captain; but they had been treated so badly by the Admiral, on this side, that they were determined to go over to the other. The day they first refused to get the anchor up, I had them on deck, and said, "My men will no longer obey your orders, but the Queen's property is under my charge; the sails are very wet, will you let them be ruined, or will you loose them for me?"—"Yes, Sir," from every mouth, "we will do any thing for you." The rigging was manned, and the sails loosened as usual; and now, as they were about to leave the ship, they asked the first lieutenant, Robinson, who was most justly beloved by them all, as a gentleman, an excellent officer, and a first-rate sailor, if he would allow them to furl the sails before they went, and they

were furled as well, if not better, and quicker, than ever; yet I am sure, all who ever saw the *Donna Maria*, while under my command, will give her crew some credit for their evolutions.

The *Rainha*, not having sufficient hands to make sail, was towed by the steamer to the Bayonna Islands; and the next day I followed her thither under sail. I obtained the Admiral's permission to send Mr. Centerine, a Portuguese officer, to Oporto, for the Portuguese seamen, and dispatched him, in the *City of Edinburgh* steamer, for them; and I agreed for my passage to England in her. Centerine was the bearer of a letter from me to Senhor Serpa, requesting him to do all which was necessary, respecting the money taken by the men from the *Commercio Maritimo*\*; and another to the Emperor, acquainting him that the Admiral had accepted my resignation, which I had tendered, explaining my reasons for taking that step, and informing him of my intention of going to England, from whence I should, without loss of time, return to Oporto. The steamer took the bullocks and pigs out of

\* Appendix, No. XLIX.

my ship. I suppose the Admiral had derived as much pleasure from having them on board her, as they were capable of affording him: they had most effectually disfigured my deck: but that he might not be able to say I left her out of order, I repainted it.

I was not, however, to leave the Boyanna Islands without being indebted to the Admiral for a few more compliments, some of them direct from himself, others conveyed to me through his subordinate tools. He, on one occasion, turned up the hands in the *Rainha*, and addressed them thus—"I am sorry to see so few of my men left. I care nothing about those of the *Donna Maria*; that ship has never been of any use to me, and I am sure she never will; I therefore should have been glad if they had all left her." The squadron, and the Portuguese nation, thank God, know the falsehood of this assertion.

I could not let Christmas-day pass, without having all those officers, who had been with me so long, to dinner; though the party was rather clouded, by the knowledge that we were so soon to be separated. Allusion was made to the circumstance, on drinking my health, and I then told them that my resignation was

accepted, and that on the arrival of the men, for whom I had sent, I should be superseded, and proceed to England. The *Dom Pedro* arrived in the evening of the day, and on the 27th a Mr. Hartwell came from her on board the *Donna Maria*, bearing a verbal message of his appointment as lieutenant. I could not endure this trifling with the service; and therefore sent him away, telling him to inform the Admiral I would not receive him on board without a written order. He returned, with the following novelty in the shape of one:—

December 29, 1832.

By order of His Excellency the Vice-Admiral, you are requested to receive on board you, Mr. Edward Hartwell, as mate; but to do the duty of lieutenant until further orders.

By Order of the Vice-Admiral,

E. BOID,

Captain Chef de l'État-Major.

To Captain MINS,

Her Most Faithful Majesty's Ship *Donna Maria*.

On giving him this document, the Secretary took him aside, and said, "If you find any difficulty, or any strange treatment from Captain Mins, let me know of it *privately*;" yet this man had the assurance to write to me expressive of his *conscientious friendship for me!*

We had been ordered, two days before, to shave off our beards and mustachios\*, the wearing of which the Admiral had sanctioned, in deference to the Emperor's wishes; but the order to shave was now worded as if this had been an innovation of our own; it was signed too only by "Blackiston," the second captain of the flag-ship; and it is unusual for an officer in that situation to sign any order; but we began to be accustomed to irregularities.

On the 30th, Lieutenant Ludlow thought it right to acquaint me that, having been on board the *Dom Pedro*, and asked the first lieutenant to allow a youngster to return with him to dinner, the second captain, Captain Massey, had said, "Do not let him go, the discipline of that ship is so bad, he will get knocked at head on the deck." I asked Ludlow, knowing the habits of the man, if he was drunk at the time? "No; he thought he was not." "That is strange," observed Mr. Hartwell, "for it is a rare thing to see him otherwise;" and he then told me that, while he

\* Apendix, No. LV.

was on board the *Dom Pedro*, he had heard reports of the discipline of the *Donna Maria* highly injurious to my character; and that, if he had never come on board her, and so ascertained their falsehood, he must have believed them, as they were supposed to originate from the authority of the Admiral himself.

I wrote to Captain Massey \*, requesting him to give me the name of the slanderer, from whom he had heard these reports of the bad discipline of the *Donna Maria*, and inviting him to come on board, to satisfy himself on the subject. I sent Hutchinson with it, and desired him to wait for an answer. On his return, he reported to me, that, though he had seen Captain Massey read the letter, he told him to say, he would not answer it, as he had not read it, and that he must see the Admiral first !!!

He did see the Admiral; and, as I have subsequently learnt, they then planned one of the basest conspiracies, to injure and insult me, that ever was invented by “the perverted ingenuity of man.”

\* Appendix, No. LI.

“ Were you not,” asked the Admiral, “ formerly in a ship with Mins, when he was a midshipman, which he was obliged to leave in consequence of something relating to a duel between him and another midshipman ?” He replied in the affirmative. “ Then,” said the Admiral, “ I will appoint you as second captain of the *Donna Maria* ; you must write to me that you will not serve under him, stating that circumstance as your reason, and I will then remove Captain Mins from the ship, and give her to you.” This plan, to give the appearance of removing me for the good of the service, was formed after I had resigned—after he had accepted my resignation—and while I was waiting only because I did not think it honourable to leave him almost without men, till the Portuguese arrived, to supply the place of the British tars he had driven away. It will be asked, how I could know that this passed between him and Captain Massey. I regret that I must not give the name of him from whom I learnt it ; but let it be remembered, that Captain Massey was almost always drunk, and when the “ *grog* is in, the wit is out.”

On the 1st of January, he came on board, and turned all hands up, and after addressing a parcel of stuff to the men, said to me, "I wish to speak to you in your cabin," where, in answer to his observation, "You will consider yourself no longer captain of the ship;" I replied, "That is just what I wish, Sir; I have been expecting every day since I resigned to be permitted to depart." The Admiral then said, "You left a ship when a midshipman, on account of a duel." "I certainly did," I answered, "but that I conceived it was nothing to him, and I wished to know whether he, by speaking to me of private affairs, was putting aside the Admiral, and whether I might consider myself as speaking to plain Mr. Sertorius." He said I might; and I then told him such home truths, and in such home language, that, exclaiming, "I cannot stand this," he rushed upon deck. On the deck I immediately touched my hat to him as Commander-in-Chief. He now turned the hands up again, Captains Goblet and Massey being now on board, and told the men, "I am obliged to remove Captain Mins for some breach of *military* discipline, and Captain Massey will be your future Captain." He then,

after reading Captain Massey's order, inquired how long it would take me to get out of the ship. Three hours, I informed him, would be sufficient for packing up my private things; but with respect to the ship, he must know, as well as I did, what time would be requisite. He said, very well; in three hours, then, you will go to one of the steamers. I replied, I will go to the *City of Edinburgh*, as I have taken my passage in her. "Very well," he said; and, turning to Captain Massey, "You will not join till Captain Mins has left." He, Captains Massey and Goblet, then went over the side of the ship. All this conversation took place on the quarter-deck, and therefore must have been generally heard.

I desired the men on board to come to my clerk for their money, as soon as possible, and also gave them my cards of address for those of their old shipmates who were away, that they might send them to me to be paid. It was now, after my papers were packed, that I received the second letter respecting the *Commercio Maritimo*, which I have mentioned before.

By the time I had packed up, my gig was reported ready; the men were all up, and crowded round me.

to take leave. Of the officers I could see only the master, commissary, and two surgeons; I shook hands with them, and went to the gangway, where, if I had for a moment been mortified, at so few of my officers having appeared on deck, I was more than compensated on seeing the compliment which awaited me: two midshipmen attended the side, the first lieutenant steered the boat, and four others pulled her, the seamen giving three tremendous cheers as we shoved off.

I had taken care, knowing the character of the commander I was no longer under, to get my own, and my servants' discharge regularly signed by the commanding officer\*.

\* LIST of one Commissioned Officer and two Men, discharged from Her Most Faithful Majesty's Ship *Donna Maria II.*, the 1st day of January, 1833.

NAMES.	Quality.	Entry.	Date.	Slops.
PETER MINS ....	Captain	.....	.....	.....
JOSEPH CONSTANCE	Steward	Dec. 17, 1831	Jan. 1, 1833	3 Yds Cloth, 15s
WM. JONES (1) ..	Domestic	.....	.....	{ Ditto. 1 Pair Shoes 2 lbs. Soap

(Signed)

R. M. ROBINSON,  
First Lieutenant, and Commanding Officer.

Pleased, as I must have been, at finding my conduct met with the approbation of my officers, the reproof which the Admiral addressed to them, seems to indicate that the greatest gratification (and it was no small one) which such a compliment could afford me, fell far short of his mortification at seeing how much I was beloved by my crew, and how highly I was esteemed by my officers. The document, in which the Admiral first affixes his name to the falsehood of having placed me under arrest, is too precious to be passed over.

(MEMORANDUM.)

*Rainha da Portugal.*

At a time when all military discipline and subordination have been shaken to the base, by the mutinous conduct of the crews of the squadron under my command ; and when also, the conduct of one of my captains was such, as rather to have encouraged those mutinous proceedings than otherwise, and I judged it necessary, for that and various other reasons, to supersede Captain Mins, and put him under an arrest ;

at such a time as this, it was with extreme pain that I observed, the same day Captain Mins was put under an arrest and quitted his ship, he was rowed from the *Donna Maria II.* to the steamer destined to receive him, by a boat's crew composed entirely of officers, and amongst them the two senior lieutenants. Such conduct admits of no excuse from officers who have passed their examination for lieutenants in the British Navy; still less so, when it is considered that the Commander-in-Chief once before returned them their commissions, and *overlooked* their previous misconduct. Lieutenant Ludlow also, when the request was communicated to him and others to cut off their mustachios, &c. and conforming to the usages, in dress and appearances, of the British Navy (whose regulations have always guided us), thought it proper also to shave off his eye-brows, as if in ridicule of that order.

The Commander-in-Chief therefore judged it necessary to inform those officers, that he considers such behaviour subversive of all military discipline, and a pernicious example to the seamen (already too much

inclined to treat me with contempt), and a wanton and uncalled-for insult to him, without the poor palliation of having experienced a want of friendliness or courtesy from him.

The Commander-in-Chief will communicate through letter to His Imperial Majesty's consideration ;—and if such should also be communicated to the Admiralty at home, it is not likely the chance of these officers' promotions will be increased by it.

Captain Massey will severely reprimand Lieutenant Robinson and Ludlow ; and point out to them the necessity of strictly and honourably performing their duty, without entering, on any occasion, into party feelings and cabals.

R. G. SERTORIUS,

*Vice-Admiral, and Major-General  
of Her Most Faithful Majesty's Navy.*

*Vigo Bay,  
January 7th, 1833.*

On board the *City of Edinburgh* I found Crosbie, whom the Admiral had removed from his ship ; and,

the next day, Bertrand, to avoid the same fate, obtained leave of absence. Blackiston publicly said he meant to retire from the service; but promotion induced him to alter his determination. Shute, too, would have gone home; but the Admiral begged him to remain, telling him, "*as he was so young, he did not blame him about the court-martial.*"

I brought on board the steamer my live stock, wine, porter, and every necessary for the table, of which I had an ample store, with my glass and crockery, as also my papers, books, clothes, and many articles of value; but I had not time to pack them very carefully. In my trunks, I had the dollars which I had received from the men, when I gave them bills for the amount on Carbonell; the money which I had received from the Marquis Palmella, that which had been seized on suspicion of having been stolen out of the *Commercio Maritimo*, and some which belonged to those men who were absent when I left the *Donna Maria*, with a few other small sums, amounting in all to about £.800 sterling, in Spanish dollars and gold. In the morning, the mate of the *City of Edinburgh* informed me,

that the Admiral desired I would go on board the other steamer; but as he had no longer any right to command me, I refused to leave the one in which I had engaged my passage; and towards the evening, having heard that the Admiral had threatened to remove me by force, I, acting under the advice of Captain Crosbie and others, retired to the cabin, and locked the door. I had made up my mind to go on shore at Oporto, but the mate having received a written order from the Admiral to return immediately, without landing the bullocks, if I was on board, begged me, on our passage, not to hazard getting him into trouble, but to await the arrival of his captain (Frazer), who would come on board at that place. On arriving there, I resolved that Captain Frazer should not, on my account, incur the risk of being visited by the Admiral's vindictive wrath. I therefore, putting my property under his charge, and giving him, in Captain Crosbie's presence, instruction in writing, not to deliver it to any one except my agent, went back with him to Vigo. In return for my consideration for this man, he handed all my packages over to the Admiral,

for permission to wear a lieutenant's coat, which he gave him in the shape of an acting order.

The steamer conveyed to Vigo some marines and seamen ; and my old friend Serpa, who, having heard that I was on board, came into the cabin to see me, being the bearer of a message from the Emperor, expressing, in answer to my letter, his Majesty's wish, that, as I could not agree with the Admiral, I should give up my ship, but continue in the service at Oporto. This message made me now regret that I had not landed there ; I told Serpa, I should be most happy to serve his Majesty, though I wished, with his permission, first to go to England for a short time.

On the 5th, we anchored near the Admiral's ship ; and I was informed, that he, having learnt I was still in the steamer, was about to issue one of his orders to me ; but, as I no longer owed obedience to him, I made up my mind not to receive it, or even to see any of his officers ; and on hearing, that he again threatened to remove me by force, I, acting under the advice of Captain Bertrand, left the vessel, and went in a shore-boat to Vigo. I regret having taken this

step; and it is the only step I do regret having taken, throughout the whole continuance of the Admiral's most illegal proceedings and arbitrary violation of all the rules and instructions for the naval service. The advice was bad, and I ought not to have been swayed by it. I should have permitted myself to have been taken before the illegal court, by which he wished to try me,—have protested against its competency, and have refused to enter on any defence.

While at Vigo, I heard, for the first time, of some of the calumnies against me, which the Admiral was circulating. I immediately wrote\* to him, in terms of the strongest reproach for his conduct, and told him, that I would appear before a court-martial, to answer any charge, as soon as he would assemble one competent to try me, composed of all the captains in her Majesty's navy. The meaning of this expression, he has wilfully misrepresented, in his letter of the 7th February, 1833, on the subject, to the Minister of Marine; but of this I shall speak hereafter.

\* Appendix, No. LII. *Note*.—I forwarded a copy of this letter to the Emperor.

Having seized my property, the Admiral made prize of my wine, porter, and stock, for which I had recently paid a considerable sum ; thus, for the third time at my expense, adding to the savings from his table money : but I would have passed over this instance of his well-known penurious habits, if he had but thrown the bones to my dog, whom he had put under an arrest, and ordered for execution, without even the form of a mock trial. Poor Flora ! she was rescued from her sentence, but she was half starved, when brought back to me by Ludlow, who was removed from his ship, and came on shore, as agent to transports, on the 16th, when the squadron went to sea. My servants were made prisoners, and searched, and the Admiral opened and read their private letters. While he was indulging himself in the commission of these acts of paltry meanness, I had to defend the character of English officers ; for I felt that our national and professional honour would be compromised, if I did not defend the Admiral from the accusation of the Spaniards ; though all I could say was unavailing, to convince them (in opposition

to the facts which they adduced as positive proofs of his guilt), that he was not bribed by the Usurper. "What," they said, "can be the motives for his conduct? Why did he not take Dom Miguel's fleet, when he could? Why did he keep in port so long, while the enemy were landing powder and shot in sight of the Foz Castle; which, with one ship only, he could have prevented?"

The *London Merchant* (steamer) brought an account to Vigo, of the failure of a sortie made by the Constitutional troops at Oporto, in consequence of the ships not getting in to their support till four hours after the appointed time; and though they did at last attack a fort on the beach, they soon hauled off, after having a few men wounded, and a few spars knocked away; the flag being, on this occasion, in the *Dom Pedro*, but the Admiral in a steamer the whole time. A Nelson or a Codrington might have done this without imputation; not so Sertorius; he was considered, by most of the seamen, to have behaved cowardly in the first action, and by all, to have run away from the enemy's fleet in the second, when he ought to have

captured it; and this last affair has confirmed his character beyond all redemption.

On the 9th of February I went on board the *Lord of the Isles* steamer, just from England with troops, Mr. Bell kindly offering to convey me to Oporto. The weather, however, detained us some time at the Bayonna Islands. While there, the *Donna Maria* came in, and I availed myself of this opportunity of sending a message to Captain Massey, who, in the course of a conversation at the Admiral's table, to the great delight of his host and secretary, my conscientious friend, Boid, had made use of expressions with respect to me, so highly offensive to the ears of a gentleman, as to compel Captain Blackiston, who was not a friend of mine, to get up and leave them, saying, "The Admiral ought to be ashamed of himself for suffering such language." Lieutenant Glasscock, of the Queen's Lancers, kindly waited on Captain Massey for me, and on his return delivered to me the following memorandum, which he (Lieutenant Glasscock) had signed:—

"Having waited on Captain Massey, I stated, in plain terms, I was deputed by Captain Mins, to ascer-

tain whether Captain Massey had spoken in terms reflecting on Captain Mins's character. He made allusion to the not serving with him, because of his conduct as a midshipman. I then told Captain Massey I had nothing to do with any thing that had occurred twenty years ago, I was come to demand, for Captain Mins, the usual satisfaction one gentleman expects from another, immediately, or a written contradiction. He told me he would do neither. That Captain Mins's *conduct as a midshipman*, and the charges now against him, disentitled him to it. I then informed him that he must stand the consequence, for Captain Mins would post him to the world as he deserved. He then said, if Captain Mins clears himself from the charges now against him, and the Naval Club think it proper, then he would ; however, the postponing it was declined."

I shall not condescend to make any comment on this reply ; officers, and gentlemen, well know what terms are applicable to Captain Massey. I could say much of his disgraceful conduct, such as his making the midshipmen of the watch drunk, the first night he

took possession of the *Donna Maria*, and his being, almost always, himself in a state of shameless intoxication: but his conduct has placed him beneath my notice; and so, except that I shall have occasion to insert in the Appendix some letters in which his name is mentioned, he must ever remain.

Before I left Vigo I was told, and I believe it to be true, knowing, as I do, the great liberality of the Emperor, and his kindness and attention to the English, that the Admiral had received a present of six thousand francs, and a service of plate, for conveying His Majesty to Terceira: yet he had frequently complained to me, that he had been most stingily treated; and that the Emperor had not only not given him a penny, but had insulted his ship, by saying she was like a merchantman.

At length I started for Oporto\*. Immediately on

\* The day after the *Donna Maria* arrived, the Admiral passed up to Vigo, having lost anchor and cable, and sent Captains Blackiston and Boid, four hours after my departure, for the purpose of making me a prisoner. My conscientious friend must have been a volunteer in this service, for the "peculiar duties" of his civil situation did not oblige him to the execution of an arrest.

landing there I went to the Emperor, who, as soon as he saw me, said, "How is it you are *here*? the Admiral has reported that you were put under an arrest, and have broken it." I assured his Majesty that I never was under an arrest, and begged him to let me know all the Admiral's accusations. He replied, "If you were under an arrest you must have broken it, by coming here: the Admiral also charges you with having stolen 10,000 dollars from a prize, which I do not believe, as you would not then have come here; but go to the Minister of Marine, and you shall have justice done you."

Having first reported my arrival, to that Minister, Bernardo de Sá, I called on him, and he very reluctantly consented to put me under an arrest, saying it must only be nominal. I availed myself of the first opportunity, to find out the captain of the *Commercio Maritimo*, and obtained from him, in the presence of Sir John Milley Doyle, and Senhor Serpa, an account of the robbery which had been committed in his ship.

On the 13th of March, the dismissal of the Vice-Admiral, and Captain Crosbie's appointment to the

temporary command of the squadron, appeared in the Gazette ; and, on the following day, Captains Crosbie and George, with Sir John Milley Doyle, and suite, departed for Vigo Bay. I was now sent for to attend the Ministers in council. They said, after calling my attention to the notice in the Gazette, that, as soon as the Admiral arrived at Oporto, they intended to send me to my own ship, to be tried by a court-martial, and that they had no doubt I should then have a fair trial, as they were well aware, jealousy alone had dictated the Admiral's conduct towards me; and that, the court-martial over, they intended me to be Commander-in-Chief. I told them that, till I had been tried, I could accept no appointment at all; and that if I were honourably acquitted, of which I felt confident, I did not wish to have the command of the fleet, as I was too young in the naval service, and had not sufficient experience for such an important appointment. They urged me with many persuasions to accept it, and I at last said, " If my services are really wanted, I will, with pleasure, take care of the squadron, till you can get an older officer from England ; and then I shall be glad to resume my former rank, of second in command. With

these provisoes, I agreed to take the temporary charge of the fleet.

On the 24th, I witnessed an affair between the land-forces, and was delighted to see the bravery of the troops. I shall never forget the coolness of Major Brownson on this occasion ; the enemy had given the first English regiment a check, and gained a height of consequence, but Major Brownson, and his few brave men, soon turned them in glorious style. The Emperor, who was watching with much anxiety the movements of the troops, appeared quite overjoyed at the gallantry displayed, and loudly and warmly bestowed praises on them.

On the 27th, I received, through my friend Serpa, a communication from the Ministers, informing me that the state of the squadron was such, that it was impossible to assemble a court-martial on board, to try me ; and suggesting, as there was urgent necessity for my services, that I should submit my conduct to the investigation of Portuguese officers. Serpa brought with him a letter, addressed to the Emperor, for me to sign ; I however preferred writing one myself, and gave him the following :—

March 27th, 1833.

YOUR MAJESTY,

Having been unlawfully removed by the late Vice-Admiral from the command of the ship entrusted to me by your Majesty; and having failed in every attempt to get a lawful court-martial, according to the British navy, to inquire into the charges brought against me by him, I beg your Majesty will forward my anxiety to assist the good cause I have been so long engaged in, by ordering a court, according to the Portuguese laws, to inquire into the charges contained in the Admiral's letters; and for the good of the country, and in consequence of the conduct of the Admiral, I, for *this* charge, will renounce that particular clause under which I am serving.

Wishing health and happiness to your Majesty,

I am your Majesty's dutiful subject,

P. MINS, Captain de Mar & Guerre.

To his Imperial Majesty,

Dom Pedro,

Duke of Braganza.

His Imperial Majesty directed a court-martial to assemble, the proceedings of which I have already published, and now reprint in the Appendix \*. I must however here transcribe a passage from the Admiral's accusatory letter, for the purpose of showing the mis-representation which I before mentioned:—  
“In the same letter, also, Captain Mins refuses to appear, unless that which he knows cannot be granted to him will be acceded, namely, a court-martial com-

\* Appendix, court-martial, No. LIII.

posed of all the officers, *both Portuguese and English*, of her Most Faithful Majesty's service, which is evidently only a subterfuge, he being well aware that the laws of the two navies are different; and that a court-martial upon the same principle as that which tried Captain Rose, whose legality he acknowledged by sitting as president, must be equally legal for him, the more particularly as the British laws only admit of one principle for the formation of a court-martial on military persons, from the Admiral down to the sailor."

I will now copy those passages of my own letter to him of which he here professes to give the import:—  
“*Your Captains* are not eligible to try me, the senior captain in the service; I have therefore a right to demand a full court, composed of all the Captains in her Majesty's navy.” And again, “When you can make up your mind to act with honour and justice, by causing a court to be composed of all the Captains in the service, you will find me ready to appear before them; but never before an unlawful court.”

Who, after comparing that which he \* gives, as part

\* Appendix, No. LIII., letter containing charges in court-martial.

of my letter, with these extracts from that letter, can have any doubt that he wilfully mis-stated my meaning; especially when it is borne in mind, that he had dismissed all the Captains, and supplied their places with persons under acting orders, who held no commissions in the service, and to whom he knew I alluded by the words "*your Captains.*"

The court-martial on Captain Rose was composed of officers holding commissions, which rendered them eligible to try him: it was therefore formed on the principles of the British navy; and consequently I acknowledged its legality\*. But now, when, for the purpose of packing a court, which he hoped to overawe, he gave the command of the ships to persons who would not have been competent to try Captain Rose, and certainly were not competent to try me, the senior Captain, who had a right to have for my judges five captains, with commissions from the Emperor, and not acting orders from the Admiral only, I refused to acknowledge the validity of the Admiral's

\* It was legal, as far as related to the rank of the officers who composed the court.

innovation on the principles of the British navy ; and in so doing I obeyed one of his own orders\*. Perhaps the Admiral may cavil, at this application of his own order, to his own breach of the articles of contract, by insinuating that the high authority at which that order glanced, was not his own, but Dom Pedro's ; and I must, if he calls upon me, admit, that the whole tenor of his conduct proved, that the Admiral thought himself authorised, whenever spleen, caprice, or passion moved him, to break through all the stipulations and engagements which had been entered into for the benefit and protection of those under him, while he never paid more deference to the legal orders of the Emperor, than accorded with his own interest or pleasure for the moment.

I have shown that it is not true, that I fled from a court-martial ; but that, on the contrary, I went to Oporto to procure one—was put under an arrest—and about to be sent to the squadron to be tried, which the open mutiny of the Admiral prevented ; then, and not till then, I consented, for the urgent reasons before

\* Appendix, No. VI.

given, and at the request of the Government, to submit my conduct to the examination of Portuguese officers. I said, again and again, at Oporto, "This proceeding may satisfy the Emperor, that the Admiral's allegations are all false; but it will not satisfy me. Nothing short of such a formal trial as the rules of the service require, will be conclusive to the minds of my brother officers at home, and it is their good opinion I am desirous of retaining. It may be very well for the ministers *now* to be convinced that, if wanted, I may be trusted: but I require more for my vindication; though, under the present emergency, I have consented to the step, which they asked me to adopt." There was not, as the Admiral asserts, a legal court at hand\*, and he declined coming on shore to support his charges; not because he thought the proceedings a "burlesque absurdity," but because he felt such a heavy weight of treason on his soul, that he was ashamed to face the authorities against which he had rebelled. It was perhaps wise of him to keep away. Sir John Milley Doyle was at

\* Appendix, No. LVIII.

Oporto ; and though he might have made his terms with the Government, Sir John had, he was aware, a favour to ask him, and might have proved troublesome and importunate.

During the adjournment of the Portuguese court, Captain George came on shore, and called on me. In the course of conversation, I was induced to think the Admiral wanted to come round. I therefore asked him if it was by the Admiral's wish he came to talk to me. He replied, the Admiral had said something of the kind. "Go tell him," I said, "to undo first all that he has done with respect to me, and say to him, in plain terms, I will not bend, or yield at all." I had lately learnt the result of a Court of Inquiry, which the Admiral had on some unlucky morning—"his better demon absent from his side"—assembled on my conduct, composed of Captain Goblet, Captain Blackiston, Captain Shute, Lieutenant Robinson, and Lieutenant Burt of the marines. This was a strangely mixed court, and not competent, according to any law, to try me.

The charges were not sent to me ; I was not ordered to attend ; notes of proceedings were not kept for

me ; and those which my clerk made, were taken from him, and destroyed. The Admiral and his whole fleet of witnesses were within his call. There was no cross-examination—no defence. The Admiral was strenuous and indefatigable to procure my condemnation, and had obtained the zealous and active assistance of my own commissary Beaumont ; yet the *case* was too bad, the honour of these officers would not allow them to gratify the Admiral's malignity ; they acquitted me of every thing he alleged against me, except not having reported to him the robbery of the *Commercio Marittimo* immediately after it had taken place. And on this point too, they must have acquitted me, if the Admiral had spoken the truth. The decision, under all circumstances, is highly creditable to them ; and I can blame then only for not having refused to enter into the inquiry, on which their want of rank in the profession rendered them incompetent to decide. I have thus been acquitted by two courts. Before one, I was not permitted to make any defence at all ; and in my defence before the other, I was embarrassed by many difficulties—such as the absence of witnesses—

the impossibility of procuring original documents, copies which I had, not being, according to the Portuguese laws, admissible, and my ignorance of the Portuguese language. What could I have to fear, if, with the usual facilities allowed a prisoner, I had met the prosecuting Admiral before a legal tribunal?

I return to the narrative, from which this discussion on courts-martial, and courts of inquiry, has led me to digress.

On the night of the 25th of March, the ministers again sent for me. They inquired if I had had any communication with the steamer, which had just arrived from the squadron; and on my replying in the negative, told me that they feared the Admiral had carried off the ships to England. They then asked me what sort of a person was Major Hill, of the marines: and whether he was trustworthy? I said, "I will forfeit my arm if he is guilty of a dishonourable action."—"He has," they said, "joined the Admiral, in signing a paper against the Government." Major Hill, I knew, had had occasion to go to the fleet, shortly before Sir John Milley Doyle

was sent out ; and I began to imagine that he had returned in the steamer. I pressed the ministers on the point, and begged to be allowed to see him, as I was sure I could convince them of his honour and integrity. At last, they consented :—he was sent for, and, they being satisfied that he might be trusted, he was ordered to prepare to carry dispatches to the Admiral, instead of being sent to prison, which was nearly being his fate. Major Hill is an old friend of mine ; he had served with me for some time in the *Donna Maria*, and I have the highest opinion of him :—but he had no business to commit himself to the Admiral's resolutions, and I rejoice that I had the opportunity of extricating him from the consequences of his imprudence, and putting his character in its right light.

On the 7th of April, Sir John Milley Doyle returned from his mission ; and as he has favoured me with an account of his reception and treatment, I prefer giving it in his own words, to any abridgment of my own.

*Major-General Sir John Milley Doyle's Mission to  
the squadron of Her Most Faithful Majesty.*

On the 13th of March, 1833, about 9 P.M., Sir John Milley Doyle received his final instructions from His Imperial Majesty the Regent, and his ministers, to proceed, with Captains Crosbie and Bressane Lieto, to St. John de Foz, to embark on board the *London Merchant* (steamer). The night was dark, with every appearance of bad weather. It was one o'clock in the morning of the 14th, before the boat could be got ready, and clearly off. On getting amongst the shipping, it was found the steamer had left about 11 P.M. on the preceding night, when they were compelled to embark on board the *St. Bernardo* (a Portuguese schooner). The weather coming on very bad, we were driven off the shore, to the south-west, and did not reach Vigo until Saturday, the 23rd, at 10 A.M. Before the *St. Bernardo* anchored, a boat, with Mr. Fitch, midshipman of the *Rainha da Portugal* (flag ship) boarded, to inquire

what vessel it was, and who she had on board. He took the names of all the passengers, and returned to the frigate, with a message from Sir John Doyle to Admiral Sertorius, to the following purport :—"Sir John's compliments to His Excellency; he had arrived with dispatches from His Imperial Majesty the Regent, and he was dressing in his uniform, to wait upon him, with his dispatches and instructions; and, as the boat belonging to the schooner was very small, he requested His Excellency would allow a boat to come for him, in half an hour."

Previous to the expiration of the time, a cutter, with Lieutenant Liot, the crew armed with swords, came alongside; the officer came down to the cabin, and inquired for Captain Crosbie, who presented himself immediately, when the lieutenant said, "I am directed by the Admiral to tell you to consider yourself a prisoner at large." He then turned to Sir John, and said, "I am desired to take you on board the Admiral's ship." Sir John then proceeded on deck in full uniform, as Major-General, and with the insignia of his office as Aide-de-camp to His Imperial

Majesty, attended by Captain Bressane Lieto, Intendente of Marine, also in full uniform, and two officers of the General's staff. On Sir John getting into the boat, the lieutenant said, he could permit no person to accompany him, as he had strict orders on that point from the Admiral. Sir John represented to the officer that Captain Bressane Lieto was one of his colleagues in the Royal Commission, and had dispatches, and instructions, to show the Admiral, authorising him to settle the accounts of the fleet, and pay the men and officers. Lieutenant Liot replied, that he could not comply with Sir John's wishes, as his *orders from the Admiral were imperative*.

Sir John then proceeded in the boat to the flag ship. The crew appeared to be at quarters, all looking out of the port-holes. On Sir John's getting on deck, he was not received with any mark of respect, whatever: he found the Admiral standing, a little abaft the capstan, in undress. Sir John walked up to him, offering him his hand, with the usual compliments between gentlemen: but the Admiral started back, and said, "*Sir,*

before I can give you my hand, I must know the object of your visit and mission." Sir John replied, "Perhaps, Admiral, it would be as well, if we were to retire to your cabin, that I may there deliver to you the Carta Regia, of which I have the honour to be the bearer, from His Imperial Majesty, and the instructions from Her Most faithful Majesty's Government, for your Excellency's guidance, and due execution." The Admiral, at the moment, appeared greatly excited. Sir John repeated, that "he thought it would be better to go below, the deck, on which the crew were assembling in groups, not being a fit place for discussing such matters." The Admiral, in a violent tone, said, "that is for me to judge of;" and then peremptorily demanded Sir John's authority, and instructions. Sir John immediately took out of his pocket the Carta Regia, saying, "With permission, he would read part of the instructions which related to him." The Admiral replied, "No, Sir; I shall read them myself." He snatched them out of Sir John's hands, and read them.

## CARTA REGIA.

Sir John Milley Doyle, Marechal de Campo of  
the Royal Army, belonging to my État  
Major Imperial.

FRIEND,

I, the Duke of Braganza, Regent, in the name  
of the Queen, send you much greeting. It is for the  
good of the service, that you go on board the squad-  
ron of the same August Senhora, now at anchor in  
Vigo Bay, to put in execution the orders you have  
received. I direct you to embark immediately, and to  
be particular to fulfil all the instructions you have  
received of the same date as these. I have to assure  
you that I confide to your intelligence, zeal, and  
activity, in putting into effect the important mission  
with which you are charged.

D. PEDRO, Duke de Braganza.

(Signed) BERNARDO DE SA MOQUIERA.

Written in the Palace of Oporto,

13th of March, 1833.

To Sir JOHN MILLEY DOYLE.

(*Translations.*)

MARINE DEPARTMENT.

Instructions given to Sir John Milley Doyle, Marechal de Campo, A. D. C. to His Imperial Majesty the Duke of Braganza, Regent of Portugal.

I.—Sir John Milley Doyle will immediately embark on board the *London Merchant* (steamer), and proceed to Vigo, or wherever he is likely to meet with Her Most Faithful Majesty's squadron, for the purpose of presenting to Vice-Admiral Sertorius the Royal Decree (Carta Regia), superseding him from the command in chief of the said squadron. For this purpose, Sir John M. Doyle will present the Vice-Admiral the Royal authority he has received, from His Imperial Majesty, the Regent, the important commission, as will be seen by the Royal Decree, which was delivered to him of the same date.

II.—Sir John is likewise charged to invest the Capt. de Mar e Guerra S. Crosbie, with the temporary command of the squadron, in virtue of the decree, which to that effect has been passed, bearing the same date,

and which will be delivered to him by the said Sir John M. Doyle.

III.—Sir John M. Doyle is directed to declare, and assure Vice-Admiral Sertorius, that the Government of Her Most Faithful Majesty undertake to satisfy all legal claims which can be made by the said Vice-Admiral Sertorius, officers, and crews of the squadron; but that it will only satisfy such claims, on the conditions that the command, *de facto*, be transferred to Captain de Mar e Guerra S. Crosbie; Vice-Admiral Sertorius being directed to return to Oporto, for the settlement of his accounts.

IV.—If (contrary to the expectations of Her Most Faithful Majesty's Government) it so happens, that Vice-Admiral Sertorius refuses to deliver up the command of the squadron, Sir John M. Doyle, after having exhausted all means of persuasion, is directed to place him in arrest, and conduct him to Oporto, in consequence of his disobedience of these orders.

In all other occurrences which may take place in the present affair, Sir John M. Doyle will act conjointly with the temporary Commander of the squad-

ron, and Captain Bressane Lieto, that the important commission may be terminated with the greatest brevity, and in the most amicable manner, so as to enable the squadron of Her Most Faithful Majesty to sail immediately for Oporto.

(Signed)

BERNARDO DE SA MOQUIERA.

Palace of Oporto, 13th March, 1833.

Having read them, the Admiral started back, and said, loud enough for all hands to hear, "So, Sir, you have come to make a prisoner of me." Sir John replied, "Admiral Sertorius, that entirely depends upon your own subsequent conduct." The Admiral, in a violent rage, exclaimed, "You are the last man that should have come on such a mission; as an Englishman, it is a disgrace to you; before I would have been the bearer of such an order, I would have flung up my commission, torn the paper, and thrown it in the face of Dom Pedro! Sir," he added, in a most imperious tone, "You will consider yourself a prisoner;" and he directed an officer of marines,

an acting sub-lieutenant (Emsworth), to take the General's sword. Sir John then said, "Admiral Sertorius, I beg to protest against all your acts, and authority, as illegal, insubordinate, and revolutionary, and to state publicly, on your quarter deck, that I will obey no orders of your's, except by force, and *against usurped force*, there is no resistance. You are aware of the instructions and orders I have received from the Regent, and Government of Her Most Faithful Majesty Donna Maria Segunda, as you have most unjustifiably forced them from me. I did not wish you to see, until the last extremity, the concluding paragraph, which directed me, in case of your non-obedience to the orders of Her Most Faithful Majesty's Government, to place you in arrest, and conduct you to Oporto." The Admiral then said, "The Government have not fulfilled their contract with me, therefore I am not bound to obey them; and, by my contract with Chevalier de Lima, they cannot place any officer (native or foreigner) over my head, or remove me from the command of the fleet, until all the conditions are fulfilled: then, I don't care a damn what they do with me, as

they have treated me with such bad faith and ingratitude, in return for all the services I have rendered them, and sufferings I have received in their cause. I shall always respect the cause, but regret that it is in the hands of such a set of faithless scoundrels." Sir John then, again, "entreated the Admiral would consider the deck, at any rate, not a proper place for such language; but since it has gone so far, he continued, I beg leave now publicly to state, in the presence of your Excellency, and of your officers and crew, that I have been honoured with the commands of the Regent and Government of Her Most Faithful Majesty, to assure you and them, that every condition made on behalf of the Government, either by the Chevalier de Lima, or any other authorised agent, and all promises which you were empowered to make to the squadron, shall be religiously and scrupulously maintained, to the utmost extent."—"Sir," said the Admiral, "I cannot permit you to address my men at present, you will have many opportunities hereafter."

At this moment Captain Goblet, of the *Dom Pedro*, came on board. After having paid his respects to the

Admiral, he advanced to Sir John, shook hands with him, and expressed his regret that he had not been on board on his (Sir John's) arrival, as he might have prevented the unpleasant scenes which had taken place on the deck, in face of many of the officers and crew. Shortly afterwards, the Admiral, Captain Goblet, and the other officers, commanding the different ships of the squadron, who had come on board, went into the Admiral's cabin, Sir John remaining on deck, in custody of Lieutenant Emsworth. In about half an hour, Sir John was summoned, by Captain Boid, the secretary to the Admiral, to go to the Admiral's cabin, which he did, attended by his guard. On entering, the Admiral said—"The Captains of the squadron are now present, and you will hear from them, the sentiments and feelings of the fleet. On this, Captain Goblet, of the *Dom Pedro*, said, "Sir John, it is needless to enter into discussions on this head; the men are determined to be paid, instantly, all their arrears; indeed, the Admiral cannot prevent it, as the squadron have come to the determination not to permit the Admiral, or any of the officers, to

leave the ships, until they are paid to the last farthing; and the wounded men's remunerations, the widows' pensions, and all accounts, finally settled."

Captain Massey, of the *Donna Maria*, voluntarily re-echoed all that Captain Goblet had said; and Captain Boid stated, that all the ships of the squadron had come to the same determination; indeed, the crews of the ships had passed resolutions to the above effect. He then drew a paper from his pocket, and said, with the Admiral's permission, he would read the resolutions adopted at a *regular* meeting on board the *Dom Pedro*, which was followed by similar meetings on board all the other ships; and he read, in an unintelligible manner, a sort of preamble to the resolutions, to the purport—that the crew under his command hoped that Captain Goblet would not be offended at the steps they had taken. He then muttered over something more to Sir John, and concluded by stating; the thanks of the meeting had been voted to the Admiral, and Captain Goblet. Sir John replied, that however great a respect he had for public meetings, and the legitimate expressions of public feelings, he

could never approve of such proceedings in a fleet, or a camp. The Admiral then addressed Sir John, saying, "I understand, Sir, you have brought a considerable sum of money with you; I have now to direct, that you will instantly deliver up to me, all money and documents, with which you are charged, by the Government." Sir John said he had no money belonging to Government, and that his Excellency had already received all the documents, which he had had in his possession. The Admiral required him to pledge his honour that this statement was correct, which Sir John did. Sir John was then asked, if Captain Crosbie had any Government money? Sir John replied, not to his knowledge, the Intendant of Marine (Captain Bresane Lieto), being the officer charged with all the pecuniary arrangements for the payments of the officers, and men of the squadron. The Admiral then asked, what amount of money he had brought with him? Sir John said, he did not exactly know the amount; he knew he had received some specie from the Government, and bills on London, and Vigo, for the purpose. The Admiral then ordered a boat to be instantly sent

on board the *St. Bernardo*, with orders, to Captain Bressane Lieto to repair instantly on board the flag ship, and bring with him all the money and documents he had, relative to his mission ; and at the same time armed boats were sent, with marines, to take possession of the *St. Bernardo*. The boat returned with Captain Bressane Lieto's compliments to the Admiral, he could not consistently, with the orders he had received from his Government, give up the money, as his instructions directed him to settle the accounts of the squadron, and pay the men and officers, only on the condition of the Admiral handing over the temporary command of the squadron to Captain Crosbie. The Admiral ordered the officer to return forthwith, and to desire Captain Bressane Lieto to come on board immediately ; and, in case of his refusing, to compel him by force to do so ; at the same time to search the vessel strictly, and bring away all the money, and documents, which he might find. The boat soon returned, with Captian Bressane Lieto, two bags containing specie, and several public and private letters. The moment he got on board the flag ship, the

Admiral desired him to pledge his honour, he had brought all the money, papers, bills, and documents, that were on board. Captain Bressane Lieto protested against the illegal and insubordinate conduct of the Admiral, on this occasion; and begged to assure him, he was not authorised to give his Excellency any money, bills, papers, or documents, entrusted to his charge, or to pay the men, and officers of the squadron, until the orders of the Government were carried into effect, which were, that the command was to be given to Captain Crosbie, and the Vice-Admiral was to proceed to Oporto. The Admiral then asked him where the bills were? He said he had them in his pocket, directed to Senhor Falcoa, a merchant at Vigo. The Admiral then demanded the letters. Captain Bressane Lieto reminded the Admiral, that the letters were sealed, and directed to a private individual, and warned him as to the consequences that might ensue from the opening of them. The Admiral replied, that is not your affair, and desired him to deliver the letters forthwith, which he did.

Admiral Sertorius, in presence of his secretary, and

Captain Goblet, opened the letters, read them, and, having counted the bills, said, "There is not half money enough to satisfy the demands of the squadron; surely, Sir, you must have more than this, or some other bills." Captain Bressane Lieto, replied, "That nothing but force would have induced him to disobey the orders of the Government; and that, as the Admiral had taken all power out of his hands, prevented him from communicating with his mercantile friends at Vigo, and put it out of his power to carry the orders of the Government into effect, the Admiral alone must be responsible." The Admiral then desired him to have letters ready by nine o'clock the next morning, for Senhor Falcoa and his other mercantile friends at Vigo, to facilitate the payment of the squadron. Captain Bressane Lieto, answered, "He would do no such thing, as, from the treatment his colleague and himself had met with, he considered his mission at an end;" and he concluded, by telling the Admiral that he had taken an awful responsibility on himself. The Admiral then informed Captain Bressane Lieto, that he should detain him as an hostage; but eventually

allowed him, and Sir John Doyle, to return on board the *St. Bernardo*, with strict orders to the lieutenant in command of the boat, manned, and armed, to keep them in close arrest, and allow them no communication whatever with any one. The Admiral kept the money and bills, and gave a receipt to Captain Bressane Lieto for them.

Sir John addressed a letter to the Admiral from the *St. Bernardo*, repeating the protest, which he had made verbally, against his conduct, and the reason of his submitting to it, *contre la force, point de résistance*. The two following orders were issued by the Admiral.

*Her Most Faithful Majesty's Ship Rainha da Portugal,  
Bayonna Islands, March 23, 1833.*

By order of His Excellency the Vice-Admiral, you are directed to allow Captain George free ingress and egress on board the vessel under your command, and also to permit Mr. Mendazable to speak with Sir John Milley Doyle.

By order of the Vice-Admiral,  
E. BOID,

Captain and Chief de l'État-Major.

To Lieutenant CULLIN,  
Schooner *St. Bernardo*.

*Same date as above.*

By order of His Excellency the Vice-Admiral, I am directed to say, that Mr. Mendazable is permitted to confer with Sir John Milley Doyle, and that Captain Bressane Lieto is at liberty to accompany Mr. Mendazable to Oporto, if he pleases.

By order of the Vice-Admiral,

E. BOID,

Captain and Chief de l'État Major.

Sir John wrote to the Ministers, informing them of what had occurred, of his own and Captain Crosbie's imprisonment, and of the latter having been ordered to prepare for an immediate court-martial. On the 25th, a letter having been addressed to Sir John by Sir Fleming Senhouse, commanding His Majesty's ship *St. Vincent*, the Admiral required Sir John to pledge his word that the letter contained nothing except of a private nature, in consequence of which the following notes passed between Sir John and the Admiral.

*St. Bernardo, March 25, 1833. Vigo.*

SIR,

The letter which you sent me this afternoon from Sir Flemin Senhouse (noted private), I beg leave to inform you, I have not the honour, to the best of my recollection, of being personally acquainted with that officer; therefore, although a prisoner, I not

only request, but demand, that letter to be sent to me without further delay ; it being quite inconsistent for you, or any other person, to detain my private letter, or letters ; and more particularly from a senior officer of one of His Britannic Majesty's squadrons.

I have the honour to be, Sir,

Your obedient humble servant,

J. M. DOYLE,

Major-General and Aide-de-Camp to His Imperial  
Majesty, the Duke of Braganza.

To His Excellency,  
Vice Admiral SERTORIUS.

*Rainha da Portugal, Vigo, March 25, 1833.*

SIR,

I sent you the letter in question, with the observation, you might receive as many letters as you pleased, and return as many answers as you please, contenting myself with your word, that they should not be of a public or political subject, but merely of a private nature. You returned the letter, saying you were not acquainted with Captain Senhouse, and would not pledge your word to anything. I think the soreness of being a prisoner, ought to be a little allayed by the reflection, that the intended favour had fallen on the wrong head ; but I trust the world will agree upon the merited one. I shall return the letter to Captain Senhouse. And beg to add, in conclusion, that I do not admit the competency of any stranger to interfere with the subjection of Her Most Faithful Majesty's squadron under my command.

I have the honour to remain,

Your obedient servant,

R. G. SERTORIUS,

Vice-Admiral and Commander-in-Chief.

To General Sir J. M. DOYLE,  
&c. &c.

On the 4th of April, the Admiral issued the subjoined order :—

*Her Most Faithful Majesty's ship, Rainha da Portugal,  
Bayonna Roads, April 4, 1833.*

It is Admiral Sertorius's directions, that you allow no communication whatever between Sir John Milley Doyle, and any boat, or vessel, without the same being submitted to the Commander-in-Chief, for his permission.

F. GEORGE,  
Captain of the Fleet.

*To Captain PENLERICH,  
London Merchant (Steamer.)*

In the mean time the Admiral had induced the officers to sign the following resolutions :—

“ The late conduct of the ministers, at present, unfortunately, conducting the affairs of Her Most Faithful Majesty, having shown (in spite of all our sacrifices and sufferings) a constant neglect, and positive refusal, to comply with the just claims of the auxiliary forces, naval and military, engaged under compact made with Vice-Admiral Sertorius; and by such conduct, so dishonourable, disloyal, and insulting, as must prevent the Vice-Admiral and his companions

having any further reliance on their word, good faith, or honour; in consequence, the principal officers of the squadron, acting in the name, and for the interest, of the rest of the squadron, have come to the following resolutions, *viz.*—That they are ready to enter upon active service, on the following conditions:—

“ *First*—That £.20,000 shall be immediately advanced, to pay the wages and claims of the squadron up to March 31st.

“ *Second*,—That the ships of war, by a public decree, be made over to the officers, seamen, and marines, acting under the compact, as a guarantee for the future payment of growing wages and allowances, and to provide against any claims that may arise for unpaid bills, drawn for the public service.

“ *Third*,—That the payment of pensions for the wounded, and for the families of the killed, be put on a sure and satisfactory foundation.

“ *Fourth*,—That, if the Admiral shall quit the service of Her Most Faithful Majesty, all those officers who wish to do the same, may have full permission of

the Government, acting in the name of the Queen, to do so."

(SIGNED)

*Captains* GOBLET, BLACKISTON, AND GEORGE.

*Commanders* MASSEY, AND WILSON.

*Lieutenants* LUDLOW, LIOT, ROBINSON, & FOX.

*Surgeons* BIRMINGHAM, FRASER, ACHESON,  
GILL, BELL, and a Portuguese.

*Commissaries* BEAUMOND, ROBERTSON, FISHER,  
AND BENSON ;

and many others.

*Additional Resolution, proposed by Captain  
MASSEY, and adopted.*

" That the undersigned, in the name of the officers, marines, and crews, of the whole squadron, having entered into a determination, not to desert their Commander-in-Chief, after the just claims of the officers and men are liquidated, require, that he shall be indemnified in a pecuniary way, for the commission he so nobly risked, for the cause of Portugal, and the

legitimate Queen Donna Maria, and which he has since been deprived of by his own Government."

I know there are some persons who can hardly believe it possible, that the Admiral could have been guilty of that overweening insolence, both of language and demeanour, of which I have so often, in the course of this narrative, been obliged to complain; but I trust this, Sir John's own account of the reception of an aide-de-camp of the Emperor, bearing a *carta regia* from the Emperor, to whom, as Regent, the Admiral had sworn allegiance, will convince the most sceptical, that I have not portrayed in exaggerated colours his habitual conduct towards myself.

If the Admiral had been as right, as he evidently was wrong, in asserting that, according to the articles of contract\* with the Chevalier de Lima, he was not bound to obey the Emperor's orders, until all the conditions of that contract were fulfilled; and, if it had been as true, as it was untrue, that the Government

\* Appendix, No. VII.

was not ready to fulfil them all, still, it must be obvious to every one, that Sir John ought to have been received with the most punctilious respect, and that his imprisonment, if at all justifiable, ought not to have been aggravated by any discourtesy. But such is the force of habit ; the Admiral had so indulged in the practice of all that is at variance with gentlemanly feeling, towards me, the next in command to himself, that he could not refrain from the same impropriety towards one, to whom implicit obedience was due from him.

To Sir John Milley Doyle's statement, I am enabled to add, from depositions, afterwards made at Oporto by many of the seamen, an account of the means by which the Admiral had prepared them to join him in mutiny, and of the falsehoods by which he endeavoured to mislead them, after he had made Sir John, and Captain Bressane Lieto prisoners, and had seized the funds which they had brought with them, to pay the arrears of wages.

“ In the early part of March, a suggestion was

made by Captain Goblet, of the *Dom Pedro*, respecting the minds of the ship's company, who had drawn up a series of resolutions respecting the Admiral, who had promised, that when the money could not be got to pay us, he had a guarantee from the Emperor, that the ships were our own property, with which we were perfectly satisfied ; he requested us, at the same time, not to allow the flag of any other officer to be hoisted on board of our ship ; if we did, we might rest assured we should never receive a farthing of what was due to us ; but, if we would adhere to him, and the Admiral, they would do the same by us ; telling us that neither the Admiral himself, or any other officer, would receive a farthing of pay, until the whole of the squadron were perfectly satisfied.

“ To the best of our recollection, the Steam Boat was immediately sent to Oporto, with a demand for money to pay us, two or three times ; when our Captain came on board, and informed us that the Admiral had desired him to turn the hands up, and inform us, that the Emperor did not acknowledge us as his fleet, and that he considered us as no better

than a set of piratical rebels, and that he would send us neither money nor provisions. In the interim, General Doyle and Captain Crosbie arrived in the *St. Bernardo*, neither of whom we ever saw, or heard the purport of their visit. When the Admiral came on board, the following day (Sunday), he informed the ship's company that they had merely arrived, to make him a prisoner, but had not brought the thing we wanted, money; and that the General had met with a Scotch prize, for, instead of he (the Admiral) being made a prisoner, he had made the General one, with Captain Crosbie, and would send them to England, if he thought proper; and that he would send the *London Merchant* (steamer) to Oporto, to lay there forty-eight hours; and if the money was not sent, he (Admiral Sertorius) would weigh anchor, and proceed to the northward, or any place we might think best, for the advantage of the whole; as himself, and Captain Goblet, and all the officers in the squadron, intended not to serve any longer in such a jew's service, as they had come to fight the cause of Donna Maria, not the cause of the present ministry, or Dom Pedro; who, the

Admiral informed us, was fighting to place the crown on his (Dom Pedro's) head, and the ministry to enrich themselves, by our labour: and it was the intention of the officers of the squadron to oust the whole of them out, if possible, and then they would continue in the service, and not till then. And in a series of resolutions signed by the officers, wishing to remunerate the Admiral, for the great sacrifice he had made in the cause, by resigning his commission, seven months' pay, and £.450 in the cause, none of which he would ever look for, until every man was paid. Captain Goblet informed us, the *Villa Flor* (brig) had been requested to go off Oporto once more, but had refused, without the squadron, and asked us, if we had any objection to go. The ship's company, through the petty officers, immediately asked Captain Goblet, whether any blame was attached to us, by their refusing; the answer was, none whatever. In two or three days after, the signal was made to weigh, and we immediately hove short, and prepared, and remained in that way two hours, for the other ships. We were to proceed to Oporto, exchange signals, and if not

immediately answered, to proceed to Lisbon, sweep the coast, take all the prizes we could, and then bear up for Flushing, which the Admiral recommended, but asked our opinion, as to which would be the best place to dispose of the fleet ; he thought best to go to Flushing, as the money was ready there to pay us, and he had had the advice of an eminent lawyer."

Such were the plans of the Admiral, and such the inducements by which he tried to excite the seamen to the commission of these crimes.

Among the signatures to the resolutions I have previously given, are the names of honourable, but misled men, whom the Admiral had craftily induced to believe, that that highly improper proceeding on their part was necessary to enforce the fulfilment of the engagements, which the agents of Her Most Faithful Majesty had entered into with them, and which he (with Sir John's instructions in his pocket, and the funds of which he had plundered him in his possession !) still represented the Government to be desirous of evading. They, however, by their subsequent conduct, have redeemed their error, and

may now, perhaps, reasonably demand, that their offence should not be remembered to their disadvantage. But the Admiral had already signed his own condemnation.

“ The question now is, not respecting a few weeks more or less of continuance in the service, or, as to the quantity of wages due; but whether *we, as Englishmen, will basely desert* a cause of humanity, and leave a large flourishing city to be reduced to ashes, and tamely permit a population of 200,000 men, women, and children, to be massacred and annihilated by a brutal, blood-thirsty soldiery, which Dom Miguel, the most atrocious of tyrants, has solemnly vowed shall be their fate, if he can succeed in taking Oporto. No ! I am sure every seaman under my command, *possessing the common feelings of a man*, will exclaim *with me*, it shall not be so.”

This is from an address, which he circulated among the seamen, on the 5th of the preceding December, when they were discontented with him, and wished to leave the service, because they were not paid. But now, when he has succeeded in rendering, for a time, the Government, instead of himself, the object of their

aversion, while the money to pay them is actually on board, he is desirous of rendering them subservient to the accomplishment of his own purposes—now, when the question with him is no longer the arrears of their pay, but the gratification of his own ambition, or of his revenge on those who have disappointed it, even “the common feelings of a man” are forgotten; Oporto, and her 200,000 inhabitants, men, women, and children, are to be abandoned, without remorse, to the brutal and blood-thirsty soldiery of the most atrocious of tyrants; the cause of constitutional liberty may be buried in the ruins of Oporto, while the coast of Portugal is swept, and the pirate Admiral carries off the ships and his booty for sale in another land. What sophistry can palliate these crimes? With what unction can he salve a conscience accusing him of treason, and a violated faith?

The Government had for a long time felt the inefficiency of the Admiral. Not only had he neglected to capture the enemy's squadron, when it was in his power, but he had subsequently permitted ammunition to be constantly landed in sight of the Foz Castle; and thus had as effectually assisted the Miguelites as

if he had entered into that compact with them, which the Spaniards, disinterested spectators of his proceedings, had imputed to him, though, perhaps, the extent of his criminality was the endeavouring, in pursuance of that system, to which the secretary invited me to become a party\*, to enhance the value of the services of the squadron, by letting the Emperor see how much mischief might arise from the withholding its active co-operation—a supposition which his *private* demands on the Government confirm. He refused to retire from the command of the ships without further loss of credit to himself, by giving his exclusive attention to the duties of the Major-General's office on shore, and wanted to be made Commander-in-Chief of the army, as well as the navy, and Viceroy of the Azores; and the Government were thus at length driven to adopt the measure of sending Sir John Milley Doyle with authority to supersede him, as the only alternative, the only remaining hope of obtaining that aid from the squadron, without which they could not maintain their ground much

\* See his Letter, page 49.

longer. But, in the total disregard of all honourable principles, and insensibility to every moral obligation, he spurned allegiance to, and reviled the sovereign of his own selection, called his ministers “a set of faithless scoundrels,” outraged his aide-de-camp, seized the money, corrupted the seamen, and imposed upon the officers; all in accordance with the rules and regulations of the British navy!!! The Miguelite fleet was nearly ready for sea, in greater force than ever. In this dilemma what could the Government do? There were volunteers in Oporto, who, in the first burst of indignation, would have attempted, in any vessel, to seize the Admiral, and bring him to justice; and the subsequent mutiny of the crew of the *Dom Pedro* against him, because he had broken all the promises by which he had prevailed on them to mutiny with him, would induce a belief, that such a bold measure would have succeeded. But he might have run away. The Government, therefore, yielded to circumstances. “Circumstances,” says the secretary, “rendered it imperative that these *worthies*, the then advisers of Dom Pedro, than whom a more vile, degraded, dis-

honest set of traitors, never entered the precincts of civilized society, should conciliate with Sertorius." To this tirade of the Secretary's, and the Admiral's appellation, of "faithless scoundrels," it seems not out of place to annex the names of the Emperor's then advisers, Senhors Xavier, Freire, Bernardo de Sá, Silva Cavalho, Magalanes, and the Marquis of Loulé. To "circumstances," however, they yielded; and the result has justified the wisdom of their decision. Sertorius was admitted to a parley; whether it was that his lofty daring began to fail him—whether he began to suspect that the British squadron were not to be idle spectators of "all his gallant exploits;" and that the British Government might deem it necessary, in order to protect British lives and property, to seize ships of war that had no longer a title to bear the flag of any sovereign, either *de jure* or *de facto*; or, that it had been hinted to him that Flushing might not prove a port of safety after a piratical cruize; whether any, or all of these combined, or what other reasons, induced him to yield, I leave for him to explain; but by some means he was prevailed

on to agree, that, as soon as an arrangement could be made respecting his successor, he should be relieved, on account of ill health, provided he was first re-gazetted as Admiral ; and accordingly the Gazette of the 5th of May restored him to as much honour as he was capable of deriving from the “ circumstances” which extorted that publication.

On the 1st of June, four steamers arrived with troops, the Duke of Palmella, and Captain Napier, whose appointment, happily for the cause of Constitutional liberty in Portugal, was forthwith announced ; while Sertorius kept his promise of submitting his pulse to the examination of a surgeon, and, under medical advice, retired from his too arduous duties.

Never did man enter on a naval career, from which more honour might have been reaped ; all Europe was watching with intense anxiety the result of the daring enterprise ; the friends of liberal institutions trembling for the result ; and the enemies of liberty scoffing at the apparent inadequacy of the armament, and enjoying, in anticipation, its defeat. To have fought and failed, would have hardly been a dis-

grace ; to have conquered, has immortalised the name of Napier ; while the *sick and wounded Sertorius* steamed his way to France,

With not one glory sparkling in his eyes,  
One triumph on his tongue.

In February\*, 1832, he called “upon his countrymen to assist him, heart and hand, in the noblest cause that a Briton can be employed upon, next to fighting for his own king and country, to aid a gallant and generous prince, in his noble views, to place an injured princess upon her throne ; to clear the prisons of more than six thousand innocent men, whose only crimes were an honest performance of their duty, and *keeping their oaths* ; to prove that British hearts and British hands had not been appealed to in vain ; to relieve the persecuted, and clear the dungeons of their innocent victims.” On the 5th of December†, he admitted that *they* had faithfully served the cause ; yet, in the following June, the most gallant exploit he can boast, is having

\* Appendix, No. III.

† Appendix, No. LV.

heaped insults on one, whom he tauntingly claimed the privilege of insulting, because he had formerly assisted in accelerating his deliverance from a prison, to which his honour and good faith had consigned him. But that I may not be accused of unfairness, I will give the correspondence, although it has already, I believe, been before the public, in which he, and Sir John Milley Doyle, took leave of each other on the eve of his departure.

## COPY OF SIR JOHN DOYLE'S LETTER.

To Admiral SERTORIUS.

The Aide-de-Camp of His Imperial Majesty the Duke of Braganza, Regent of Portugal, the Major-General Sir John Milley Doyle, presents his compliments to His Excellency Vice-Admiral Sertorius; having only this moment heard the Vice-Admiral does not mean to honour with his presence the city of Oporto, intending forthwith to proceed to France, Sir John Milley Doyle has only this mode left of paying his respects to the Vice-Admiral. From the excited state in which Admiral Sertorius was, during Sir John's sojourn at Vigo, perhaps His Excellency may not recollect the circumstance that passed on that occasion; indeed, from the well-known politeness, and gentlemanly habits of Admiral Sertorius, it is impossible he could recollect the *mode, manner, and tone*, in which he treated Sir John Doyle on his reception, and during his sojourn as a close prisoner, by His Excellency's illegal orders, while at Vigo. Sir John Milley Doyle feels confident, that the moment the Vice-Admiral is reminded of the circumstance, his own gentlemanly feelings will dictate to His Excellency the spontaneous and absolute

necessity, of his own accord, to offer those palliatives to the wounded feelings of Sir John, which one gentleman is entitled to, and always sure of, from another, for the PERSONAL insults, and degrading treatment Sir John Milley Doyle received in his private, as well as public capacity, from Vice-Admiral Sertorius on that occasion. Sir John Milley Doyle will be happy to hear of the perfect re-establishment of the health of Vice-Admiral Sertorius, and will be equally happy in being able to assure His Excellency of his respect and consideration.

*Oporto, 13th of June, 1833.*

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#### THE ADMIRAL'S ANSWER.

*June 16th, 1833.*

Vice-Admiral Sertorius informs Sir John Milley Doyle, that his reception of Sir John at Vigo, when sent in execution of a commission which the Vice-Admiral has always felt as unjust, illegal, and impolitic, was such, as he most certainly ought to have calculated upon—the *arrestor* became the *arrested*. The Vice-Admiral leaves to the private feelings of Sir John to decide, whether it was delicate to charge himself gratuitously (for most certainly he could not be compelled to it) with so ungracious an affair, bearing upon the liberty and honour of that same Captain Sertorius, to whose exertions and visits in prison, seconded by the aid of the Consul General, was mainly owing the liberation from the imprisonment in secret, and ultimate entire liberty of Sir John at Lisbon. If, however, any of the brother officers of the Vice-Admiral are of an opinion, that his conduct was not entirely of a public nature, or that his language, or manner, was not such as was becoming a gentleman, in the execution of a disagreeable public duty, the Vice-Admiral will be happy to meet Sir John at any time and place he may appoint, upon their meeting abroad or at home.

*To Sir JOHN MILLEY DOYLE.*

## SIR JOHN'S REPLY.

*Imperial Palace, Porto,*  
10 A.M. 17th June, 1833.

SIR,

Having addressed you a note, dated the 13th instant, to which I have this moment been HONOURED!!! with a REPLY!!! it now becomes an imperative, but painful duty, on my part, to request *Your Excellency* will do me the favour to conceive that you have been horsewhipped by Major-General Sir John Milley Doyle, K.C.B. and K.T.S., who laments that your unaccountable and unwarrantable conduct, should oblige him to adopt *this* as the *only step* your intended flight from the scene of your gallant exploits has left open. But, should *Your Excellency*, on *more mature reflection*, revoke your intention of proceeding *forthwith to France*, then I shall be most happy to receive you at the Foz, whenever you are pleased to appoint; and to assure Your Excellency, that every attention, and *requisite accommodation*, will be provided for you, during the short period your residence may be necessary on this occasion in Portugal. The undersigned regrets your extraordinary mode of acting, precludes him the possibility of having the honour of subscribing himself, with consideration and respect,

Your Excellency's humble Servant,

J. M. DOYLE,

Major-General, and Aide-de-Camp.

To His Excellency Vice-Admiral SERTORIUS.

Three weeks had barely elapsed, ere the Miguelite fleet, refitted and reinforced, again put to sea, and encountered the constitutional squadron, now under the command of Napier. On this occasion, there was no putting about, because "the larboard shrouds

had suffered," though the sails and rigging were much cut up; neither did Napier want to communicate with Oporto, except to forward the intelligence of all the enemy's ships having been taken; and then, his dispatch did not boast of a determination to compel them to a general engagement, "notwithstanding their great superiority of force;" and yet, it was much stronger (as the annexed comparison will prove) than on that memorable day, when Sertorius did not capture, burn, sink, or destroy a *single sail*.

## NAPIER'S VICTORY,

5th of July, 1833.

CONSTITUTIONAL SQUADRON.		MIGUELITE SQUADRON.	
	<i>Guns.</i>		<i>Guns.</i>
Dom Pedro .....	52	Dom John.....	76
Rainha da Portugal .....	46	Rainha .....	80
Donna Maria Segunda....	42	Princesa Reale.....	52
Portuense .....	20	Martin de Freita .....	48
Villa Flor .....	16	Cybelle (Corvette) .....	26
Schooner .....		Princesa (Ditto) .....	24
	<hr/> 176	Brig .....	16
Superiority of the Enemy	178	Ditto .....	16
	<hr/> 354	Ditto .....	16
	<hr/> <hr/>	Zebecque .....	
			<hr/> 354
			<hr/> <hr/>

SERTORIUS'S ENGAGEMENT,

11th of October, 1832.

CONSTITUTIONAL SQUADRON.		MIGUELITE SQUADRON.	
	<i>Guns.</i>		<i>Guns.</i>
Rainha da Portugal .....	46	Dom John .....	76
Donna Maria Segunda....	42	Princesa Reale.....	52
Portuense .....	20	Cybelle .....	26
Villa Flor .....	16	Maria Isabella .....	24
Twenty-third of July ....	18	Tagus .....	18
Regencia .....	18	Brig .....	18
Constitution .....	13		<hr/>
Mindella .....	13		214
	<hr/>		<hr/>
	186		
Superiority of the Enemy	28		
	<hr/>		
	214		
	<hr/>		

But while I cannot without shame call to mind our disgraceful and inexcusable flight on that day, I am bound to confess, that I,—had I been Commander on the 5th of July, should not have presumed to plan that bold manœuvre, the execution of which, under Napier's direction, was crowned with such splendid success; and I may be permitted, I hope, without the imputation of envy, to say, that

my admiration of his conduct is not unmixed with a feeling of regret, that intrigues prevented me fighting by his side, and being a partaker in his victory. Had I served under such a commander, I should not have needed to blot one sheet of paper, to rebut the charges of incapacity, or repel the insinuations of malice. The noble, the generous, and brave, are not prone to become accusers, and never malign; and most gladly would I have left it to the historian, to apportion to Sertorius his due meed of praise or censure, if the imperative necessity of defending my own reputation, had not compelled me to expose him: but he and his secretary have assailed me, from the cradle to the school with the severest reproaches, and from the cockpit to the quarter deck with the most atrocious calumnies; while the greatest offence they could have received at my hands, was, the not complying with their request, to gull the Emperor, to which cause, they perhaps attribute their disappointment, in not being made, the one Viceroy of the Azores, and the other Chamberlain to the Viceroy, for the "peculiar duties"

of which situation, he might have thought himself qualified.

I was now most anxious to leave Oporto; my first object being to call the late Admiral to a personal account for the many insults offered to me, and the innumerable slanders propagated about me; the next, to recover my property and papers, which he had so wantonly seized, that I might arrange and settle my accounts. I therefore, accompanied by Sir John Milley Doyle to interpret for me, as I could not speak Portuguese, waited on the Marquess of Loulé, the Minister of Marine, to ask for leave of absence. He told me I might go as soon as I had answered a letter which Sertorius had addressed to him respecting me, and I begged him to let me have it as soon as possible, as the vessel by which I intended to return to England was about to sail. No time was lost in sending it to me; I received it on the 20th of June, replied to it on the 21st, and went on board on the 23rd. I subjoin both Sertorius's letter, and my answer.

*Her Most Faithful Majesty's Ship Rainha da Portugal,  
Oporto Roads, 7th June, 1833.*

SIR,

Several seamen belonging to the *Donna Maria*, having entrusted Captain Mins with various sums of money, and he also having received pay due to them, giving a receipt to the Commissary-General for the same, and subsequently leaving the squadron, and acting contrary to the usual custom (which is, that when a Captain leaves a vessel on being superseded, he transfers all monies not strictly private to his successor), has taken away with him the money alluded to, and other large sums of public money; and as the men are now applying to me to have it restored to them, I beg Your Excellency will inform me what steps I am to take to refund the different sums in question to the respective claimants.

I have the honour to be, Sir,

Your Excellency's obedient Servant,

R. G. SERTORIUS,

Vice-Admiral and Major-General of  
Her Most Faithful Majesty's Navy.

To His Excellency the Marquis de LOULÉ,  
Minister of Marine.

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*Oporto, June 21st, 1833.*

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter, enclosing a copy of one from Admiral Sertorius. The dishonourable and unprincipled conduct of that officer towards me, rouses justly my indignation; for he knows well, that I was

unable to settle my accounts with the seamen, &c. (which he forced me to have with them), in consequence of insisting on my leaving my ship in *three hours*; nor could I hand anything over to my successor, as he was ordered not to join, until I left. Thus has he acted on this, and many other occasions, contrary to the usual customs. I took all accounts out of the ship with me, and intended arranging them in the steamer; but he, in a most unwarrantable manner, seized them from her, thus leaving me without the power of doing so; and now he wishes to make it appear, it was caused by myself alone. All accounts I have, I am most anxious to settle; but without my papers I am unable; I shall therefore, the moment I am in England, do so. I quite regret your Excellency should not have answered the letter of the Vice-Admiral, for you cannot have forgotten the circumstance of my property having been taken by him, and a great part lost, and the many applications I have made to Your Excellency, all unnoticed. I must therefore demand, in justice to my honour, which the Vice-Admiral dares to attempt to trample on, every facility is granted me to put them to rights, which I pledge myself shall be done in a public and clear way.

I have the honour to be,

Your Excellency's obedient servant,

P. MINS.

To His Excellency the Minister of Marine.

Here were four charges against me;—

That I had taken with me money belonging to the seamen, with which they had entrusted me:

That I had also taken with me, pay due to them, for which I had given receipts to the Commissary-General:

That, contrary to the usual custom, I had left my ship, without transferring to my successor all monies not strictly private :

And, that I had also taken other large sums of public money.

At the time the Admiral made these charges, and, at the time I replied to them, he had possession of all my accounts, and all the money, I could therefore only give the above general reply : but as soon as I recovered some of my property and papers, after my arrival in London, I made out, without delay, and forwarded to the Marquis of Loulé, through the Chevalier de Lima, an account between the Portuguese Government and myself\*, accompanying the account with a letter to the Minister of Marine †.

With respect to the first of the charges in Sertorius's letter, I reply, that it is a private account between the seamen and me, which, at his request, and against my own inclination, I entered into with them.

When the men were first paid at Belle Isle, they wished to make remittances to England, and inquired

\* Appendix, No. XXVII.

† Appendix, No. XXVI.

how they could do so. The Admiral told them to leave as much as they wished to send home, and it should be paid to their friends in London; to this they objected, saying, "They should not feel sure of their friends getting it." The Admiral replied, "Then give it to your captain, and you shall have a bill from him; when that is paid, you will have no claim on the money given to him;" with this arrangement they were satisfied. He then told me, to receive the money of them, to give them a bill, signed by myself and the first lieutenant, and "you," he said, "will (when the bills are paid) be accountable for all you so receive, and I will, to-morrow, get all the officers to write their names, and forward the paper to London, that their signatures may be known to Carbonell \*."

I could not make any objection to this proposal, though, I should have preferred drawing on my own agent, as his great liberality towards me, on all occasions, would have made me certain the bills would be regularly honoured; while I did not know what

\* This paper is still in Carbonell's office; I saw it there lately.

arrangement the Government had made with Carbonell, and it was not impossible that more might, for one purpose, or another, be drawn on them, than they might be authorised to meet. However, as the seamen's money would remain in my hands, this was immaterial, except that it gave me trouble and risk in keeping the dollars a long time instead of using them. When I arrived in London, I called on Messrs. Carbonell, to arrange my accounts with them. I had not then recovered my papers; but on their telling me, that they made a considerable balance due from me, I immediately wrote a cheque for the amount; saying, that it was out of my power to ascertain its correctness, and therefore I would pay it, fully confiding in their integrity: upon which they observed, if that was the handsome manner in which I treated them, they must beg leave to re-examine their accounts. They did so, and detected an error, the balance against me proving to be only £4. 2s. 1d.\*; which I paid them in cash, and destroyed the cheque for the larger amount, which I had previously written. They

\* Appendix, No. LV.

then returned the bills which I had drawn on them, at the foot of the seamen's letters, copies of two of which I annex. One signed by my first-lieutenant and myself, for a seaman, and another by the captain of marines and myself, for a marine :—

COPY OF A SEAMAN'S LETTER, SHOWING THE WAY  
MONEY WAS TRANSMITTED HOME.

DEAR WIFE,

I send you these few lines to inform you that I am hearty and well at present. Give my love to mother, and all the children. I expect to be home in two months.

I remain your's,

B. PETERSON.

I have sent you a trifle of money, £7 3s.

*Ship Donna Maria,*

*St. Michael, June 28th, 1832.*

Call at Messrs. Remon and Carbonel, No. 5, Freeman's-court, London, for £7 3s., which they will pay.

(Signed) P. MINS,

Captain.

R. M. ROBINSON,

First-Lieutenant.

Received of Mr. A. de Ramon de Carbonel, the sum of seven pounds three, by order and account of B. Peterson, a man of the *Ship Donna Maria*.

*London, July 12th, 1832.*

(Signed) B. PETERSON.

(COPY.)

*Her Most Faithful Majesty's Ship Donna Maria,  
Belle Isle, France, January 18th, 1832.*

DEAR BETSY,

Enclosed I send you an order for two pounds sterling, which you will receive on producing this letter, as you will see by the order under. I have to say, I have had every indulgence by my officers, and am appointed Sergeant, at £3. per month, rations and clothing. I have not time to say more at present, but my love to mother and Edward.

And remain your's affectionately,

JOHN HOLMES,

Sergeant.

Apply to Remon and Carbonel, No. 1, Fen-court, Fenchurch-street.

P. MINS,

Captain.

ANDREW WILLIAMS,

Captain Royal Marines.

£ 2 0 0

Received of A. de Remon and Carbonel, two pounds, by order and account of the Sergeant, John Holmes, on board of the ship *Donna Maria*, London.

(Signed) E. J. REDMOND.

May 7th, 1832.

At Belle Isle the men asked me also to keep some other money for them: I refused, saying it was more than I would do if I were in the British navy. But

the Admiral said, " You must do it for them—I am doing it for my men." He has since denied that he authorised or requested me to take care of this money ; and certainly, if I had not objected to the trouble, neither authority nor request from him was necessary ; it was a strictly private account between me and the men, none of whom are likely to make any complaint against me now, though it is not impossible, that, at the time the Admiral was endeavouring to injure me in the estimation of the Minister of Marine, at Oporto, he might have managed to alarm some of the men by his tales and fictions. Let him, however, now bring forward any of them, whose money I had, or have, and see what he can make of his charge.

It happens, that, on the 6th of August, some of these men, accompanied by others from the *Rainha*, and a few carpenters, whose assistance had been lent me for a fortnight, to help in stopping the shot-holes after the action, in all, about a hundred men, met me at my agent's, and presented to me a snuff-box, on which was engraved, "*Presented to Captain Mins, by the petty officers and seamen of the DONNA*

MARIA ;" together with the following address, written on parchment :—

*London, 6th August, 1833.*

SIR,

The petty officers and seamen of the *Donna Maria*, lately under your command, being anxious to testify the high respect and regard they entertain for the honourable and upright conduct displayed to them upon all occasions, and to express their admiration of your exalted valour and courage; at the same time, they cannot omit most sincerely to thank you for your general urbanity of manners, and more especially for your kind and humane attention to the sick and wounded. They therefore most humbly request you will be pleased to condescend to accept the accompanying *Snuff-box*, as a small tribute of their united respects, with an assurance that they will at all times be found ready and willing to serve under so brave a captain at any time you may be in command.

We beg to subscribe ourselves, Sir,

With the greatest respect,

Your most obedient

To Captain MINS.

And obliged Servants,

LAYLER.	POTTER.	SWEET.
LIGHTNESS.	HUGHES.	MATHEWS.
MOSS.	WALLIS.	TURNER.
PARR.	BUCHET.	BALFOUR.
CONSTANCE.	M'CALLIE,	BRISTOW.
JONES.	NEILSON.	M'DOWELL.
BLANDFORD.	LENNET.	CHAMBERS.
FLANAGAN.	JOHNSON.	GLADSTONE.
DRYSDALE.	LAWTON.	DURRANT.
JONES.	MASON.	CHAPMAN.
GRIFFITH.	PRENDERGRAST.	LEONARD.
BOOTH.	HUGHES.	TARRANT.

The Admiral, I hear, is as much vexed at my having received this token of respect and attachment from the men, as he was at the compliment the officers paid me, by manning the boat which rowed me to the steamer when I left my ship; and therefore I have inserted it here, that he may overhaul it at his pleasure. Of one thing I am certain. If it does not make him ashamed of his accusation against me, respecting the men's money, it will make every one else scout it. As he has pretended that he did not know that I had been entrusted with their private money, I will remind him, that, on the 10th of October, as we were coming out of Vigo Bay with the enemy's squadron, he asked me if I had any money to pay the pilots, as he had none; and that I replied, "Not a penny, Sir, except that which belongs to the men, and that I never like to touch;" and that he then said, "Lend me some of it; the Commissary-General shall give it you again:" to which I answered, "Very well, Sir; but remember we are about to go into action, and either I or you may be killed; therefore give me a receipt, to put into the bag; and that he did give me the following:—

Received from Captain P. Mins, the sum of eighty Spanish dollars, for the purpose of paying the pilots, being the ship's company's money.

(Signed)

R. G. SERTORIUS,

Vice-Admiral and Commander-in-Chief.

Her Majesty's Ship *Donna Maria Segunda*,

10th October, 1832.

Whether his first charge, therefore, relates to the money that they gave me to keep for them, or to that for which I gave them bills on Messrs. Carbonell, it is answered.

It was not till lately that I could obtain any clue to assist me in discovering on what foundation the Admiral's second charge rested; but I believe I can now dispose of that misrepresentation. On the 17th of October, 1833, my agent informed me that James Balfour, a seaman, had called on him, to request I would certify that he had not been paid, as Messrs. Carbonell, or some one else, had promised that he should receive what was due to him on producing such a certificate from me, and at the same time he made the following statement:—

“ In October 1832, the *Donna Maria's* men were paid, at which time I, James Balfour, and eighteen

others, were in a gun-boat, but we belonged to the *Villa de Praya*. In November, when we were in the *Donna Maria*, and going on shore on leave, Lieutenant Robinson gave each of us three dollars, and told us, after we came back, on board, that Captain Mins had received two months' pay for us, when the ship was paid; and the pay list, which Captain Mins signed, has been shown to me, in the presence of Mr. Sandford, Captain Boid, and others."

The Admiral had, on more than one occasion, immediately after my men had been paid, taken some of them from me, and sent me others, whose pay was in arrear. James Balfour is one who joined my ship under such circumstances. I therefore gave him the annexed certificate, which I think will satisfactorily prove that I had none of his pay:—

(COPY.)

November 3, 1832.

The Admiral requests you to receive a number of men from the *Villa de Praya*, which will be sent to you.

(Signed)

E. BOID.

To Captain MINS, *Donna Maria*.

Amongst these men was James Balfour ; and the *Donna Maria* was paid in October, before they either joined, or were expected. It seems, therefore, very unlikely, that I ever had their pay, as they at that time did not belong to my ship. When at Vigo, the men went on shore on leave, all having again been paid except these men, of the *Villa de Praya* ; and to give them a run on shore, I advanced to each of them three dollars out of my private purse, which was paid to them by my first-lieutenant, Robinson, and was repaid me by the Commissary-General, for which I gave my receipt, at the same time, and on the same paper, with other sums which he paid me ; and, to prove that these men still remained without their pay, I will copy a letter out of my letter-book, written respecting it :—

(COPY.)

*Her Most Faithful Majesty's Ship Donna Maria,  
December 20, 1832.*

SIR,

I have to report there are, on board this ship, 20 men, who have not received any pay since they left St. Michael's, and who have repeatedly asked me for it, and are discontented in consequence of not having it.

I have the honour to be,

Your Excellency's most obedient Servant,

P. MINS,  
Captain.

To His Excellency, Vice-Admiral SERTORIUS,  
Commander-in-Chief, Major-General, &c.

James Balfour was one of these men, and the ship's books will prove this ; it is, therefore, quite impossible that I ever received his pay, or the pay of the men who joined with him.

I do therefore declare, that I, to the best of my knowledge and belief, have never received the pay of James Balfour, or those men who joined the *Donna Maria* at the same time with him; and that, therefore, he and they are entitled to it from the Government. However, should proofs be shown me, such as my receipt for it, &c. I will then pay them; but this I am quite certain cannot be done, as I never gave any, never having had their pay.

Given under my hand, this 14th October, 1833, in London,

P. MINS, late Captain,

Her Most Faithful Majesty's Ship *Donna Maria Segunda*.

To whosoever it may concern.

My men were paid in October, James Balfour and the other eighteen joined me in November. In that month some of the men were again paid; but is it possible, that if I had received the pay of any of them, and kept it, I should, on the 20th of December, have written to the Admiral, to call his attention to their complaints of their pay being in arrear? My firm belief is, that the paper of my signing, which James Balfour *says* that he saw, was only an acknowledgment of the repayment to me of the sum I had advanced to them when I gave them a run on shore.

If however, I have inadvertently signed a receipt for money which was never given me, I am of course bound by it; but until such a receipt is produced, it remains for the Admiral to substantiate his charge. In the consciousness of my own integrity, I thus let him know how I can meet it, and give him, and his secretary, an opportunity of remodelling it, instead of withholding my defence till they have produced something like evidence against me.

The third charge I have before answered, and now answer again. He would not allow me to settle the ship's accounts with my successor, as he desired him not to come on board until I had left her.

The fourth charge is so indefinite, that, before I can answer it, he must say what it means. In the interim, I declare that it is utterly false and malicious, and that he knows it to be both; and I feel confident that he will find this plain contradiction so generally satisfactory, after his exposure on similar charges, that I shall hear no more of these "other large sums of public money;" and yet I should prefer meeting him in detail.

But these were not the only accusations with which, in the shape of rumours, I was beset; and among them, was one which had, as I was informed by an officer who still remained with the constitutional squadron, been spread among my companions in arms, with the view of effectually damning my character. I have before alluded to this one; but if the testimony of an honourable man is of any weight, the following letter from me to Captain Rose, and his reply, will effectually refute this charge, and show to what credit the authors of it are entitled.

*London, July 27th, 1833.*

MY DEAR ROSE,

From my late and valuable first-lieutenant, Robinson, I find it has been stated in the squadron, "That I assisted you in composing the defence you gave at your court-martial." As it is my intention, as soon as I can, to expose all and every falsehood that has been spread behind my back, with the charitable intention of injuring my character, I shall thank you, in answer to this, to state at length, how I treated you after the letter you wrote me as president, complaining of the accommodation you had, and requesting some more convenient place might be granted you; for since I permitted you to come on board my ship, and use my fore-

cabin, there may certainly appear some truth in the report, which requires your statement in full; and I must confess, had I for one moment a thought that I was serving with such dishonourable men, I should not have permitted you on board my ship at all. I always (before the court-martial) thought the Admiral would have been pleased to see you have fair play, and would have rejoiced at finding his suppositions were erroneous. However, his very different feelings expressed and acted up to since, make me a little anxious to show my friends all my conduct, and particularly on that occasion. I shall also thank you to state, if you had ever duty at any time to perform with me, or any other member of the court; or if we, or any of them, ever came in contact with you on duty; for the Admiral's reprimand states he got his information from the majority, which caused him to make his third charge against you.

I remain,

Your's truly,

P. MINS.

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*London, 19th August, 1833.*

MY DEAR MINS,

The contents of your letter of the 27th ultimo, would have caused me considerable surprise, if I had not already had sufficient experience of the malignity of some parties in the squadron of which you were recently second in command.

You inform me that it has been stated, I received assistance from you in preparing the defence I made before the court-martial you presided at—an assertion so wanton and devoid of the least shadow of truth, would have passed unregarded by me, had you not requested a reply; for could there have been the slightest truth

in the statement, you would now stand before the public a perjurer, having broken the solemn oath you took on that occasion, to judge impartially on the evidence both for and against the prisoner.

But what are the facts? Immediately on the receipt of the notice of the court-martial, from you as president (which was only forty-eight hours previous to the trial), I represented to you by letter, that I had neither accommodation or privacy sufficient on board the *Villa Flor*, to prepare my defence, for a portion of the officers messed in the only cabin. You replied, by ordering me on board the *Donna Maria*, your own ship, and gave me the fore-cabin, which was used as an office; here I made my defence, and both your clerk and my own were present the whole time. And I most solemnly assert, I never received the slightest assistance from you, beyond the courtesy already mentioned, for which I shall ever feel thankful; on the contrary, your conduct on that occasion, was marked by extreme delicacy, in absenting yourself from the ship as much as possible, on purpose to avoid even the suspicion of such a malicious and scandalous report.

With respect to the other part of your letter, relative to Admiral Sertorius's reprimand to the court, I have only to say it is of a piece with the charges he preferred against me, for Captain Bertrand was the only member of the court I ever came in contact with on duty; but why were the reports mentioned by the Admiral not laid before the court? for it cannot be supposed that an officer of his experience, and holding the high station he did, would have preferred charges before a court-martial, on mere verbal report.

Hoping this will be sufficient to place the affair in its right light,

Believe me to remain, faithfully,

Your's,

(Signed) G. P. ROSE.

I had requested Major Brownson to apply to

Sertorius, as soon as his address was ascertained, demanding an apology or satisfaction for the insulting insinuations contained in his letter to the Minister of Marine (7th February, 1833\*). The correspondence which ensued will be found in the Appendix†; and as I have already, when speaking of my trial‡ at Oporto, disposed of the greater part of the Admiral's reply, I shall here only call attention to two passages in it. He says, that the expressions, "atrocious falsehood," of which Major Brownson complained, was used by him *in August or September, 1832*, and that at the time, he told me, if he was not borne out by facts, he would waive every kind of privilege, and meet me whenever I pleased: now it so happens, that a very few days after he had hoisted his flag in the *Donna Maria*, he had assembled all the officers of that ship, and found that he was not borne out by facts, in calling the statement in the log an "atrocious falsehood," and therefore he convicts himself of not redeeming a

\* Appendix, No. LIII., Court-Martial.

† Appendix, Nos. LVI., LVII., LVIII., and LIX.

‡ Page 184.

pledge, which he says he gave in presence of many of his officers. He admits that I made a *satisfactory* apology, for he calls it a *strong* one, for that which had been wrong in my conduct; that he had agreed “to consider me in the same light as upon our first acquaintance;” and that I immediately evinced the sincerity of the reconciliation on my part, by being the first to call out the men to give him three cheers. In this manner he endeavours to blink his letter, written to the Minister of Marine, in which he speaks of matters of offence, which, with his hand on his heart, seven months before, he had pledged his honour should never be mentioned, or thought of again. But, not to fatigue my readers with a useless repetition, I beg to refer to the former part\* of my narrative, to the re-perusal of which I invite them with the less hesitation, because they will then be gratified, at any rate, by reading how Captain Morgell behaved to me—an officer as honourable in every transaction of his life, as he was brave in action. I regret that it is not in my

\* Page 114, and following pages.

power to do justice to his character; while it is some consolation to me, and some testimony in my favour, that such a man should have thought me not unworthy of that advice by which, and not (as the Admiral asserts) by the dread of a court-martial, I was induced to withdraw my resignation of my ship. My resignation, too, it is to be remembered, according to the *Admiral's* naval law in September 1832, would have been an insuperable impediment to a court-martial: but, it is needless to dwell on the inconsistencies of a man, who, when called to an account for a letter written in February 1833, refers to a transaction in August or September 1832, there being no other link to connect the offensive expression with the two periods, except his admission that his honour was forfeited, by having mentioned the occurrence to which he applied them. The second passage in his reply, which I think it worth while to notice is, "I believe I may attribute correctly Captain Mins's quitting Oporto, more to my brave and gallant successor refusing to employ him in any way, *than to other causes.*" This observation could have been

dictated, only by the consciousness, that he had practised on his successor, to prevent my employment under him ; and it also proves that he had not at that time (29th of July) much hope, that the plot for injuring me in the opinion of the Portuguese Ministry had been attended with even momentary success ; and that the letter from the Marquess of Loulé to the Chevalier de Lima, of which he has, by some means, since obtained a copy (though not from the Chevalier de Lima), and published in the London papers, was not known to exist. As to the reference, on a mutual statement, to the senior officers of the profession, as a whetstone to his honour, it may pass with a similar proposal to Sir John Milley Doyle. It is all fudge ! It amounts to nothing more than a possibility of his repugnance to fighting being overcome, if I could manage to get him into a corner, and prevent his running away ; and I shall meet all such propositions, as such an one was once met before by a man of undoubted honour and courage, and say to him, “ I was willing to meet you, to preserve my own reputation, but certainly shall not do so, merely

to restore your's." The Admiral's reply was forwarded to Major Brownson, through the secretary Boid; and I regret, as much as he can, that he had not the opportunity he wished for, of delivering it personally, and accompanying it with a little whispering. Major Brownson, it will be seen, answered every statement in the Admiral's letter, and invited him to enter into an explanation, assuring him that I was willing to listen to it, and anxious to find that he could clear himself, and show that his conduct towards me arose from his ear having been abused by an ill adviser; this the secretary applied to himself. What could make him suspect that he was alluded to? However, to himself he applied it, and, with his usual ingenuity and penetration, converted this observation of Major Brownson's into the fable of my having told the Portuguese government, that Sertorius was an honourable man, but that Captain Boid had given him bad advice, and would make a good *stalking-horse*. I should, indeed, have rejoiced if Major Brownson's invitation to an explanation, in Paris or London, had enabled me to say, that the Admiral had cleared his

character, and removed the disgrace from his own, to other shoulders; but that, while in Oporto, after my return from Vigo, I should have told the Portuguese ministers, that I believed him to be an honourable man, is as impossible, as that they would have believed me, if I had attempted to practise that deception on them. Let the secretary read my last letter, written at Oporto, and be convinced; or, let him convict me on the evidence of one credible witness, of having said, while smarting under the inflictions of the Admiral's unexplained outrages and slanders, that he was an honourable man, even as an Antony would have said it; and I will make any apology either of them may dictate, and consent to be called an idiot ever after. As to saying that the secretary would make a *stalking-horse*, that is another affair, and one on which I most certainly had no occasion to speculate at Oporto. A *stalking-horse*, I believe, is not a beast that bears the iniquities of others, but an animal which, not being *effective* for any more useful purpose, is yet qualified, by his inoffensive appearance, to conceal the person who wishes to sneak close to his

prey, that his aim may be sure and deadly; and therefore, if it should be proved, that the secretary was the person, who, under the colour of the Admiral's name, endeavoured to wound my reputation, the appellation of stalking-horse, whatever his qualifications, will be inapplicable to him.

But the Admiral, while the Secretary was thus mystifying himself with Major Brownson's letter, took such a different view of it, that he gave out, in Paris, that he intended to return to England, for the purpose of calling Major Brownson out, who, on being informed of the intention, left his cards of address at the club, and every other place in which he thought it probable that the Admiral would find them. The Admiral, however, had been in town some time before they met; and then their meeting was accidental, and in the street. Sertorius offered his hand, but Brownson declined it, asking him, if he had received his cards. Sertorius admitted that he had received them. A gentleman, an officer, and a man well acquainted with the world, must have known that they were either intended to show that Brownson had paid him

several visits of civility, which ought to have been returned, or to indicate a purpose, which made it still more imperative on him to communicate his arrival in London to Brownson. Sertorius, however, instead of entering into an explanation with Brownson, began abusing Captain Mins, myself, in such virulent terms, that Brownson broke off the conversation, considering Sertorius's language unfitting for a gentleman to listen to.

I have already said, that Sertorius's reply to Brownson's first letter, was sent through the secretary; but a sense of the "peculiar duties" of that personage, soon moved him to assume a more prominent station. But, before I proceed to examine the remainder of his letter to me, of the 10th of September, 1833, on parts of which I have before had occasion to comment, I think it necessary to record one of the acts of friendship towards me, with respect to which, his modesty has made him keep silence. On the 29th of December, 1832, he wrote from Vigo Bay, without communicating with me on the subject, to Mr. Dalrymple, the father-in-law of a gallant

young midshipman (Dawson), who had been killed in our last action, telling him that I had received his son's share of dollars, found in the *Don John Magnanimo*, viz. £.25. At the time of writing this letter, the secretary knew very well that his own share did not amount to much more than this sum, and that the midshipman's was about *twenty-six dollars only*. This letter to Mr. Dalrymple, enclosed his bill of exchange for Dawson's pay. Why he did not ask me to remit the prize-money at the same time, and his reasons for making this erroneous statement of the amount of it, the date of the letter will explain; it was while the plot against me was thickening; two days before the Admiral came on board, to offer me his parting personal insult, and to desire me to leave the ship in three hours.

No one will be surprised, that I unreservedly expressed my displeasure, when I found him capable of writing such a letter as this; or that I concealed my feelings when told of his conduct on that occasion, when Captain Blakiston left the Admiral's table in disgust; as well as on other occasions, when I

was the subject of abuse; or when I found that the offensive letters, signed by the Admiral, were in the hand-writing of "my best, my only friend." Such indeed I had often gratefully called him, when adverting to the earlier stages of our acquaintance, and the services which he had rendered me at my request, in healing family dissensions; and when I thought him incapable of threatening to publish to the world, those differences among near relations, the very existence of which, men of honour are careful to conceal from all except those to whom it is necessary to speak of them, in order to bring about a reconciliation, the knowledge of which he says I *confided* to him, and which he enumerates among the "nuts" to be cracked by "those who condescend to the degrading practice of doing a private injury, to revenge an offence."

It seems incredible, yet so it is: this condemnation of the course he threatens, is to be found in the same wonderful letter which conveys the threat; and in this letter too, I find a breach of a promise made me by Sertorius, designated "a slight change, which he thought it wise to make;" and then I am taunted

with not being “blessed with one hundredth portion of the generosity of heart of that man, or with one glimmering spark of his religious and moral principles.” How admirably does this secretary refute himself! “It was not, however,” he writes, “in an open manly way you expressed your displeasure at his (Sertorius’s) plans.” And a few lines further on, “You took every opportunity of sowing the seeds of disaffection, both in the minds of the officers, as well as men, by abusing, in the grossest terms, both the Admiral, and every thing that he did, and in such loud language to me, whenever we were walking the deck together, evidently with no other view than to render it a means of making such sentiments public.” My proceedings were “even dangerous to the service;” but danger and service are subjects on which the secretary is quite out of his depth; his horror of the one\*, sadly overpowers his judgment—and of the other, he knows nothing, as it did not come within the range of his “peculiar duties.” It is in this letter I find the passage I have before quoted†, relative to the

\* See in the *Times Newspaper*, 27th October, 1832, his account of his miraculous escape from some splinters.

† See p. 78.

Emperor's order to bring the flat boats into the Douro. Here, too, I am told, "When in Vigo Bay, Captain Massey refused an appointment to your vessel, on the plea, that he could not serve under a man who had been turned out of a vessel, in which you were ship-mates, for cowardice; did I repeat it, or even listen to it, when reflected on by the officers? No, Sir, nobody can venture to say so; and I discountenanced it altogether, until a similar circumstance occurred on board the *Briton*, when, on the same plea, one of the lieutenants refused to meet you at the captain's dinner, which thus forced upon me the fact. Nor did I then give aid in circulating the report." The occurrence to which he alludes, I am aware, will never reflect any credit on me; and, therefore, I will not attempt to conceal it; and will allow the secretary, and Admiral, to make the most of it. When a midshipman, I quarrelled with, and called out, another midshipman, accepted an imperfect apology, and finding that his report of the transaction had done me injury, and that he would not give me another meeting, I thrashed him, and was, in consequence, obliged to leave the

ship. But I do not believe, that twenty years afterwards, a lieutenant of the *Briton* refused his captain's invitation to meet me at dinner, or alluded to this affair for the purpose of calling my conduct cowardly, because I dined on board that ship, in company with the first-lieutenant, who was the only one who had been my shipmate, on that occasion ; besides which, the captain of the *Briton* has obligingly replied to me, as I believe every other captain of the service would reply, if his opinion were asked, "as to the invidious story of thrashing a midshipman, and leaving your ship on that account, surely no one would for a moment blame you at this time ; and I assure you I never heard it designated cowardly." Whether this answer will satisfy the secretary, or make him feel remorse at not having himself been the person to interpose with such remarks, when the subject was discussed, I neither know nor care ; it is satisfactory to me, and I believe will be so to every one whose rank and character can give any weight to a decision. Not that I do not regret that my inexperience at that period, led me into adopting a course of proceeding

for which I am sorry, though it has produced no other ill result to me, except formerly leading me into hostile meetings with some who took upon themselves to put constructions on my conduct to which I could not submit, but who, nevertheless, had sufficient honour to make me the only possible reparation. But the secretary goes on, “when the Commissary-General, on his return from England, publicly declared that you had committed a fraud on the agents of the expedition (Messrs. CARBONELL), to the amount of £.300, and that you could never again show your face in the Junior United Service Club, did I assist in giving it publicity, or *a colouring of truth*? No, Sir, I did not.” Wonderful forbearance! He knew how to bedaub a lie *with the colouring of truth*; but friendship prevented the display of his skill, and made “his right hand forget her cunning.” When an accusation is made against me, either of having committed a fraud, or of having manifested disgraceful cowardice, so publicly, that *my friend* hears of it and I do not, does *my friend* proclaim it false? Does *my friend* tell me of it, that I may meet it myself?

Does *my friend* defend me? No! *my friend* only does "not assist in giving it publicity," that is, he conceals it from me, and he does not give it a colouring of truth.

" Throw *friendship* to the dogs,  
I'll none of it."

The secretary next reminds me, that he had written to me at Oporto, to say, that though he had not approved of my conduct in the squadron, and could not feel for me as he used to do, yet he would not *gratuitously* become my enemy, and therefore, in answer to the inquiries of my connexions at Bath, and in Essex, " I," he says, " enjoined the most perfect silence as to any reports connected with your name, and entreated them to profess a thorough ignorance of anything they might hear unfavourable to your character." Let the secretary, therefore, say what price he received, and by whom it was paid, for this hostile conduct; for he had promised not to become my enemy *gratuitously*, and the bitterest enemy could not have found out a more effectual way to damn my reputation amongst my connexions.

And then he goes back to my boyhood, and reproaches me for my expulsion from school when eleven years old, for an offence on which I cannot reflect without shame and contrition, the remembrance of which he knows is as afflicting to me, as my punishment has been severe; since it has served him, and the Admiral, as the basis of their slanders; though those who were competent judges of that delinquency, did not think it a bar to my entering into an honourable profession, or an impediment to my rising in it fully equal to my merits. I do not attempt to palliate my juvenile conduct; and yet it does not appear to me to be so odious as it would be to attempt to impose on one to whom I had solemnly sworn fidelity, for the sake of extorting gain to myself, by pretending to extricate him from dangers which had no existence, except in my invention—a crime in which I was invited to join the Admiral, and the secretary; not in their boyhood, before their principles were formed, but in the maturity of manhood, when the one was blessed with more than a hundred times the generosity of heart, and sense of moral and

religious obligations than I possess ; and the other was capable of giving me advice, which might, if I had acted on it, have proved beneficial to my *interests*, happiness, and character.

The secretary concludes his splendid epistle, by telling me, that having, as a friend, first admitted me to a private view of the portrait of myself, in the colouring in which he has dressed it, his duty obliges him to exhibit it to the public, that he may put them on their guard against my machinations ; and that he will do so, unless I can immediately assure him, that I have not circulated any report injurious to his reputation, as an officer and a gentleman ; if I fail in that, he can be desperate and determined, do his duty, and write a pamphlet. I passed over all the ravings of his letter, and looking only to his professions of friendship, remembering only the sincerity of my former friendship for him, and hoping that we might both have been deceived, and that he had written to me under the influence of a temporary delirium, into which others had worked him, I invited him to enter into a full explanation with me ; telling

him, that if he could show me that I had wronged him, I would make him any apology; but that if he could not stand the test of an explanation, I defied him, and all my enemies. He replied, by referring me to his former letter, for a clear, copious, and conscientious one, though that letter itself spoke of his having other explanatory matter. To this I rejoined, by repeating my defiance, and assuring him that I should not be silent. His inducement to commence this correspondence is as extraordinary, and as fatal to his fair fame, as the letter itself. It happened, that, after making the rough sketch of my portrait, and while I heard he was busy with his colouring, that Mr. Brooks informed me, that the secretary intended, the first time he met me, to—what does my reader think this desperate, and determined man intended to do? To knock me down—to break every bone in my skin?—No, the Admiral was to do that, because he had the greatest physical strength. To trample on me when I was down, and all my bones broken?—No, his desperation, and determination, did not go that

length ; he intended, while I was standing bolt upright, to shake hands with me—desperate and determined indeed!!! I requested Mr. Brooks to advise him to observe a little more forbearance, as if he attempted to carry his threat into execution, I should insult him.

He says that he was apprised that I intended to insult him wherever I met him ; but this is incorrect ; I did not mean to take so much notice of him, unless he attempted to shake hands with me. But he shall tell his tale in his own words:—" I was determined to put your threats to the test, by placing myself in your way ; and though at that time very important business required my absence, I remained in town two or three days for that express purpose. After much vain research, in the haunts I knew you were accustomed to frequent, you at length appeared at the club, late on the evening previous to my final departure." There is, I must here observe, a letter at Oporto, in the secretary's own hand-writing, which says, speaking of me, " He (Captain Mins) has left his cards of address in England ;" so that, if he would

but have remembered what he had written, he might have saved himself both time and trouble. "I was engaged," he continues, "at a rubber of whist; however, after remaining a short time in the room, you thought proper to leave, without executing your resolves, or noticing me in any way." This again is not quite correct; I remained and played several rubbers, after he had gone away. "I have also," he proceeds, "since heard, from various quarters, that, subsequent to that occurrence, you have determined on a less honourable and manly mode of showing your malevolence, by sedulously endeavouring to disseminate unfavourable impressions respecting me; and also, that, on one occasion, you applied very offensive language to my name, in conjunction with that of Admiral Sertorius. My first impulse was, to exact the satisfactory redress, which the rules of society require from one gentleman to another; but, on consulting a friend on the subject, I am come to the determination of considering you, on account both of your ignominious degrading conduct towards me, and the stains on your own character, altogether out of the

pale of gentlemanly privileges." Thus the reader will see, in one thing only is he consistent ; the foregoing quotation being the commencement of that letter, the conclusion of which assures me of his desperate determination "to resign the pistol, and resume the pen."

How beautifully his intention of shaking hands with me, contrasts with the spirited resolution of considering me without the pale of gentlemanly privileges ! How exquisitely the threat of doing his duty to the public by exposing me, harmonises with the offer to leave the public a prey to my machinations, if I would but declare, that he had done nothing unbecoming the character of an officer, and a gentleman ! With what a modest diffidence, in the strength of his own reputation, does he thus seek to secure in its favour, even at the high price of refraining from the discharge of his duty, the testimony of the infamous, the knave, and the coward !

It may be bad taste on my part, which prevents me from following this example ; or a want of wisdom, which hinders me from making any concession, in order to obtain similar evidence in my favour ;

but, remembering that cursed is he of whom all men speak well, there is nothing I so much dread, as the good report of the secretary and his Admiral ; nothing I so much deprecate, as their praise. They may rail at me openly, if they will, but there shall be no whispering, if I can detect it ;—no private notes against the names of officers, if I can, even by accident, discover them ; and I have by accident seen a private list, in which the notes against the names are in the Admiral's hand-writing. Public duty, or "opposition to the Government," he will, perhaps, say, obliged him to make them ; but surely, if the officers deserved punishment or censure, duty ought to have pointed out a different course ; while the opposition of the commander of a squadron to his Government is a novelty in naval history. Nelson never would have urged the grossest misconduct of his Government, as a palliation for not taking every advantage of an enemy ; nor would the withholding an earldom or a viceroyship, have provoked him into discontinuing an action. In a former period, Drake too, regardless of the system of Government,

and not troubling himself to inquire, whether they, by whom it was administered, were honest men or rogues, made all who met it, respect or dread the flag under which he served: he has been known to curl his mustachios, and capture his opponents; but of the inventor of naval opposition, it will be recorded, that he cut off the one and let the other escape, pleading the villainy of Dom Pedro's advisers as his excuse. The secretary having imparted this information to me, I have previously given it in his own elegant language, and annexed to it the names of the advisers at Oporto; and as he has, in a postscript to his correspondence, given me to understand that he was sent to England on duty, but would not return to Oporto, because he was disgusted at the traitorous conduct of the advisers on this side the water, I shall answer this assertion as I did the former one, by giving their names. In England, the Marquess of Funchal represented the Queen of Portugal's Government, assisted by the Chevalier de Lima, as Chargé d'Affaires, and Messrs. Carbonnell, as Agents.

Thus, it appears that no friend could escape the secret attacks of the disappointed Admiral, and secretary. The illustrious individuals with whom I have the honour of sharing their abuse, need not condescend even to smile in contempt at their calumniators; and it would be presumption in me, to say one word in their defence; they have found another Admiral, and he a different secretary. But I, if I submit in silence to the opprobrium with which their tongues and pens are busied in loading me, may seem to give “a colouring of truth” to their accusations; and therefore, having in vain sought that mutual explanation which honourable men are ever as anxious to give as to receive, I present myself at the bar of public opinion, and submit to that decision, an account of my conduct as second in command under Sertorius; and before the same tribunal, I arraign both him and his secretary; my own vindication, and not a mawkish pretence of duty to the public, compels me to this course; for I should not have thought their characters worth exposing, if my own had not been worth a defence; and now, they must

either produce proofs to convict me of all which they have insinuated against me, or they must hereafter bear, among their other blushing honours, the indelible brand of slanderer on their foreheads.

To my friends, I say, if any friend has doubted the issue of the investigation which I court, fear not for me; should my accusers, finding that they cannot successfully impeach my conduct during the time of my service in the Portuguese constitutional squadron, the only period of my life which concerns them at all, fasten on one offence of the boy, and inveigh against one act, the result of inexperience in the youth, the meanness of the subterfuge will but add to their shame; they will only prove, what I have admitted, that I am not exempt from error, while they will convict themselves of having calumniated me as second in command of the late expedition; with this I shall be satisfied, and, I trust, my friends will too.

Admiral and Secretary, choose your own course; and, at your pleasure, break through all the decorums of life. I, whatever my faults may be, am

not base enough to follow your example, or to arm myself with your weapons of attack or defence. With this assurance, I take my leave, and this is my adieu to each of you—

Thou can'st not think, nor I find words to tell,  
How much I loath and scorn thee ;—so farewell.

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## APPENDIX.

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### No. I.

*Her Majesty's Ship Donna Maria,  
January 5th, 1832.*

SIR,

I have to report taking command of Her Majesty's Ship Donna Maria, on Wednesday the 4th, and, in justice to myself, and the officers who joined with me, I have to request you will order your Flag Captain, and any other officer, to take a survey of her present state, and report as to the probable time of getting her ready for sea. She has not on board, a yard of canvass, a foot of plank, no coals, no provisions, no hammocks or beds for the men, only fifteen tons of water, which, in consequence of not having a pump, cannot be got at; this, with many other things I could enumerate, and one hundred tons of mud in the main hold, the tanks not stown, and the ship being too high to get them on deck, and having only one hundred and fifty men on board in all, will, I trust, induce you to order a survey for my satisfaction; and, I trust, as the ship has only two heavy cutters and a small jolly boat to do all her work, you will not think it necessary to order me to supply any other ship with the gig; but as she is a fine six-oared boat, and therefore too large for me, you will

permit my exchanging her for a smaller four-oared boat of the same description, belonging to the Rainha da Portugal.

I have the honour to be, Sir,

Your obedient humble Servant,

(Signed)

P. MINS,

Captain.

To his Excellency Vice-Admiral Sertorius,  
Commander-in-Chief, &c. &c. &c.

## No. II.

His Imperial Majesty Dom Pedro, having heard of the death of one of the seamen of the squadron, has directed, with his characteristic benevolence and generosity, that the body should be immediately forwarded to England, if likely to produce any consolation to the friends and relatives of the deceased, and that the nearest surviving relative should receive two pounds per month, for one year ; also that the same privilege should be granted to the relatives of all such British subjects as may die in these roads. The Vice-Admiral takes this opportunity of showing the sense of His Imperial Majesty's intention of the services of the brave men who have volunteered in the present noble cause, and desires the captains and commanders of Her Majesty's vessels will communicate the same to the seamen under their command.

By order of the Vice-Admiral,

(Signed)

E. BOID,

Rainha da Portugal.

## No. III.

The Commander-in-Chief takes the earliest opportunity to inform the seamen and marines, that His Imperial Majesty has been pleased to confirm the present of clothes, which the Vice-

Admiral (presuming upon the well-known character of the Emperor) had promised to them, and not only to confirm the increased pay of fifty-five shillings per month, but to mark still further the high sense of the British sailors' and soldiers' characters, and particularly of those embarked under the Vice-Admiral's orders, His Majesty has been further pleased to increase that pay five shillings per month during the time the royal standard shall fly at our mast head. The Vice-Admiral now calls upon his countrymen to assist him, heart and hand, in the noblest cause that a Briton can be employed upon next to fighting for his own king and country, namely, to aid a gallant and generous prince in his noble views, to place an injured princess upon the throne; to clear the prisons of more than six thousand innocent men, whose only crimes are an honest performance of their duty, keeping their oaths, and restoring that constitutional liberty to Portugal, which has made our own beloved country, with all its disadvantages of numbers and climate, the mistress of the ocean, and first amongst nations of the earth. The intentions of His Majesty are humane and conciliating; but if they are not met with the spirit those intentions merit, let us prove that British hearts and British hands (protected and blessed by a mighty and righteous Being) have not been appealed to in vain to relieve the persecuted, and clear the dungeons of their innocent victims.

(Signed) R. G. SERTORIUS.

Belle Isle, February 1832.

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## No. IV.

### COPY OF THE OATH OF ALLEGIANCE.

I swear fidelity and obedience to Her Most Faithful Majesty, Donna Maria Segunda, or the regency acting in her name, and

to the Constitutional Charter, as given by His Imperial Majesty, Dom Pedro, in 1826;—that is to say, during the time I may be engaged in Her Most Faithful Majesty's service, and provided that obedience shall never be required in any manner injurious to the interests of my native country. So help me God ! &c. &c.

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## No. V.

TO CAPTAIN MINS.

*Her Majesty's Ship Donna Maria.*

SIR,

You will proceed with the ship under your command, and with the vessels named in the annexed list, under your charge, with all possible speed to the Western Islands (either Fayal or Terceira, according to the information you may receive), to rejoin my flag; and in case of my absence, you will follow the directions of His Imperial Majesty Dom Pedro.

(Signed) R. G. SERTORIUS.

*Her Majesty's Ship Rainha da Portugal.*

February 9th, 1832.

THE TYRIAN STORE SHIP.

THE EDWARD TRANSPORT.

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## No. VI.

*Her Majesty's Ship Rainha da Portugal,*  
February 9th, 1832.

SECRET AND CONFIDENTIAL.

As the good discipline, order, and contentment of the sailors and marines, depends entirely on their being dealt with according to the customs and usages of the British navy, a liberal inter-

pretation of the same, and that the officers to command them, should be, according to promise, entirely English; you will therefore, on no account, receive directions, from any source whatever, to alter or modify the above arrangements. But in case of being required to do so by any high authority, you will respectfully and firmly represent, that you are ready to act for the good of the service, in obeying every order with zeal and activity, emanating from a competent source, relative to all the external service of the ship in acting against the enemy, but that you do not feel yourself authorized to comply with such as require a breach of the articles of contract, upon which the services of the British officers, sailors, and marines of the squadron have been engaged in the cause of Her Most Faithful Majesty, Donna Maria Segunda.

(Signed) R. G. SERTORIUS.

For Captain Mins,  
Donna Maria II.

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## No. VII.

(COPY.)

### A CONTRACT

between the Chevalier D' Abrue e Lima, acting in behalf of the Regent, in the name of Her Majesty the Queen, Donna Maria II. and Captain Sertorius. He being animated with sentiments of the purest devotion to the cause of Her Majesty the Queen, Donna Maria II., and desirous of contributing to her triumph by sacrificing even, if necessary, his present situation and future prospects, having offered to enter into the service of her said Majesty, and his offer having been accepted, the following Articles, in consequence, were agreed upon:—

#### ARTICLE I.

Captain Sertorius engages himself, and is taken into the service of Her Majesty, Queen Donna Maria II., with the rank of Vice-Admiral.

## ARTICLE II.

The emoluments of the Vice-Admiral will be those corresponding with that rank in the Royal Navy; that is to say, seven guineas a day during the time the principal object of the service lasts, which will be signified in the Seventh Article. These emoluments will begin to be paid to him from the moment he commences active service.

## ARTICLE III.

There will be granted to Admiral Sertorius, and his second in command\*, Captain \*\*\*\*, the value of their commissions.

## ARTICLE IV.

The Vice-Admiral will have the chief command of all the fleet in the service of Her Majesty the Queen Donna Maria II.

## ARTICLE V.

The Vice-Admiral will propose all the officers who are to serve under his orders; and a list will be made, and submitted for the approbation of the Regent, in the name of the Queen.

## ARTICLE VI.

The Vice-Admiral will be allowed to engage these officers, and they will have given to them a step in rank to that which they already hold. He will give them an acting order, which, should the Regent approve of, will be confirmed by commission.

## ARTICLE VII.

These officers will engage themselves to serve as long as the Regent may judge proper, and at least until the particular cause of their engagement ceases to exist; that is to say, until the final conclusion of the actual war between the legitimate Queen and the Usurper.

\* Captain Mins.

## ARTICLE VIII.

As soon as the Restoration takes place in Portugal, the officers engaged will be allowed the option of continuing in the Portuguese service, submitting themselves, in that case, to the laws of the country, or to quit the service.

## ARTICLE IX.

There will be allowed to those officers quitting the service a pecuniary gratification, which will amount to two years' pay, according to their last rank, for all in general; and of four years to those who, in consequence of their actual engagement, expose themselves to lose their commissions. This being the case, the Portuguese Government will be bound to grant to those officers losing their commissions an indemnity equal to the value of them. The Vice-Admiral consents to give up the above-mentioned advantages in the first part of the present Article.

## ARTICLE X.

The pay of the officers during their first commission will be regulated according to the English scale, also the gratification mentioned in the preceding Article. It will commence for each of them from the moment determined upon by the Vice-Admiral Commander-in-Chief.

## ARTICLE XI.

There will be allowed to the first classes of sailors and soldiers, after the restoration in Portugal, when they will be discharged, a gratification of six months of extra pay.

## ARTICLE XII.

In case of death, or of wounds, in the service of, and for the cause of, Her Majesty the Queen Donna Maria II., the ordonnances of the British Navy will regulate the indemnities accorded to individuals, or their families.

## ARTICLE XIII.

The common laws of war not being applicable to the present one, it is to be understood that all seizures that may be made of ships, or of goods belonging to private individuals, shall be put carefully away, to be given up to their proprietors at a proper time, reserving an indemnity of 10 per cent. upon the value of the said seizures which shall be shared amongst the captors, according to the English laws. It is to be understood that ships having the colours of the Queen, or belonging to individuals living in countries subject to her authority, shall not be detained or molested during their voyage. As for vessels of the state, or objects of war in power of the enemy, taken by main force, they will be considered good prizes, and their value shared amongst the captors, according to the laws, ordonnances, and rules of the Royal Navy.

## ARTICLE XIV.

The laws and discipline of the Royal Navy will be observed as respects the ships of the fleet which are commanded by and have two-thirds, at least, of the crew English, the courts-martial are to be composed of the officers of those ships. But the ships commanded by and having two-thirds of their crew Portuguese, will only be subject to the general rules of the service, and to the discipline the Vice-Admiral establishes for the whole fleet; but the penal Portuguese laws alone can be applicable to them.

## ARTICLE XV.

In case of the meeting of two or more officers of the same rank, Portuguese and English, the dates of their commissions will decide their seniority.

## ARTICLE XVI.

The Vice-Admiral, in the quality of Commander-in-Chief of the fleet, will receive his orders and instructions direct from the

Regent, and will not be subject to any other officer, Portuguese or English, whatever may be his rank. The orders to be given to the fleet, or to a part of it, will be communicated by the Vice-Admiral, unless there is any insurmountable obstacle.

## ARTICLE XVII.

The Vice-Admiral will have the power of filling up vacancies, caused by officers leaving, who are no longer fit for service, on submitting his choice to the approbation of the Government. As to the promotions and advancements, for other causes, the Vice-Admiral will be bound to make, beforehand, the proposals to the Regent, and to obtain his approbation.

Executed in London, the 30th of March, 1831.

(Signed) R. G. SERTORIUS.

Lini Antonia d' Abrue e Lima.

## ADDITIONAL ARTICLE.

Vice-Admiral Sertorius and his second in command, Captain \*\*\*\*, being aware of the small pecuniary means in the power of the Regent, have generously consented to give up the indemnity that was ensured to them by the third Article of the above Contract, which Article is by this one declared void, according to their wishes.

London, 30th November, 1831.

(Signed) R. G. SERTORIUS.

Lini Antonia d' Abrue e Lima.

## No. VIII.

*Her Majesty's Ship Donna Maria,  
March 12th, 1832.*

SIR,

I represented to you, in as strong a manner as I was able, the fears I had, respecting the safety of the ship, when I received your orders to disembark all the marines, and stated clearly, that I could not be answerable for the conduct of the men, nor could I attempt to oppose them, with myself and only about twenty-five officers, should they rise, and attempt to take the ship from us. I have to express my deep regret that you should have taken such slight notice of that which I thought so serious ; it is now my painful duty to state to you again, that, unless some immediate steps are taken, the time is not far off, when the seamen of this ship will do that, which if it does not deprive Her Majesty of all the British ones, will, at least, those of this ship. Yesterday morning, as I was going over the side, all the petty officers came to me, stating they were sent by the ship's company, to acquaint me with their discontent and grievance, which they did in the following manner ; they said, they all considered the ship " black listed ;" that they were promised a suit of clothes, which had not been given to them, and that the Rainha da Portugal had had their's some time since ; that they were promised their pay every month, which was some time due to many of them ; that the Rainha da Portugal had many advantages that they had not." I endeavoured to pacify them, by assuring them, the only reason that they had not their clothes, was, because the person employed to procure them and bring them out had not arrived, but, that the moment he came, they would have them ; that they would be paid their wages as soon as we joined your flag ; and that it was quite a mistake, to suppose the ship was " black listed." I then promised them, that if their clothes were not given to them, I would do it from my

own pocket; they then assured me their discontent was not against me, or any officer of the ship, they felt the engagements under which they entered, were not fulfilled: on my promising to go back to Angra, as soon as the guns were in, they went to their work; but notwithstanding they hoisted in twenty large guns, and stowed them away, got in the launch, and the ship under weigh that day, yet certain murmurings and expressions, which reached my ears, and those of several of the officers, obliged me, as next in command, to state to you in a positive manner, that unless faith is most strictly kept, in spite of every obstacle, with *all* the British, their services will be lost to the cause. I deeply deplore this occurrence, particularly as I feel, as Captain of the ship, the comforts and promises to my men have not been adhered to so closely as they ought. I have now to state, that, in the Edward, or Tyrian, there are some bales of jackets and trowsers, and I have, with zeal and anxiety for Her Majesty's service, to request you will order the ship to be supplied with sufficient to serve one to each man, according to the original agreement with them; that you also order them to be immediately paid all the pay that is due to them (seven men have received as yet no pay); and that you will direct a sum of money to be placed in my hands, or in the hands of the Commissary, for the purpose of paying the ship's company at a future period when their pay may again come due: and from the high rank I hold under your command, I consider it my duty to state to you as *my opinion*, that unless this is done, the ship's company will not remain under the controul they have been; and also to point out, that should this ship's company take any such step, the contagion would fly to the flag ship, and from her to Porta Praya.

I have the honour to be,

Your obedient humble servant,

(Signed)

P. MINS,

Captain.

To His Excellency Vice-Admiral Sertorius,  
Commander-in-Chief, &c. &c.

## No. IX.

You will repair with the vessels named in the margin, off the Island of Madeira, previously taking on board, from this island, such persons as may be ordered there by His Excellency the Minister of Marine; you will aid in every possible way those gentlemen to carry into effect their instructions (which are, if possible, by communicating with the Island, to bring about a revolution in favour of Her Most Faithful Majesty, Donna Maria II.); and if, after a certain time, it should be found that there are no immediate prospects of so desirable an event taking place, you will dispatch Her Most Faithful Majesty's ship *Villa Flor*, to communicate the result, either to Terceira or Fayal, according to the wind and weather she may have, and run over yourself to the coast of Portugal, for the purpose of obtaining every possible information, with respect to the state of public feeling there, as well as their naval and military preparations. You will be back, to rejoin my flag at these islands, in the first week of April; and if, during your cruise, you should fall in with vessels, whose intrinsic value, or utility to serve as transports, render them worthy of capture, you will detain and send them to these islands; but in other respects, you are not to annoy the coasting or small craft, always keeping in view, that the present struggle is against an Usurper, with a few unprincipled followers, and not a war against the Portuguese nation. The vessels of war of the State, some of which are still supposed to be cruising off Madeira, you will take, sink, burn, or destroy, according to the rigid rules of war. On leaving here, you will first make a stretch towards Lisbon, and get into the track of vessels between that place and Madeira, with the chance of picking up any Portuguese vessels of war that may have left it for Europe.

(Signed)

*Brig, VILLA FLOR,*  
*Schooner, TERCEIRA.*

To Peter Mins, Esq.,

Captain of Her Most Faithful Majesty's

Ship *Donna Maria*.

R. G. SERTORIUS,

Vice-Admiral; Commander-in-Chief  
of Her Most Faithful Majesty's  
Naval Forces.

Port of Angra, March 11, 1832

## No. X.

## TRANSLATION OF INSTRUCTIONS.

## MINISTRY OF MARINE.

## ARTICLE I.

Captain Mins is charged with the command of the expedition, consisting of the Frigate Donna Maria, brig Count de Villa Flor, and schooner Terceira.

## ARTICLE II.

The object of his commission, is to proceed to the Island of Madeira, and then, first to lay hold of, capture, and in the last case, destroy the flotilla of the Lisbon Government, which it is said is composed of two corvettes, two store ships, and a brig; second, to promote and assist any development of a counter-revolution to restore the legitimate authority of Her Most Faithful Majesty, in unison with the Member of Council, Lewis da Silva Mozinho d'Alberquerque, whom he will receive on board, with the officers, and other persons who may accompany him.

## ARTICLE III.

Should he not meet the flotilla in those seas, nor entertain hopes of coming up with them, he will then employ the time that may be convenient to remain, in reconnoitring, with all possible exactness, the coasts of the said island, and of Porto Santo, examining minutely the bay of this last island, its exposure, size, nature of the ground, soundings, and shelter of different winds; as also the facility and means of landing, and the resources which it may offer in every respect.

## ARTICLE IV.

He is to facilitate, as much as may be in his power, the landing of Mr. Mozinho, when he may deem convenient, and also his

intercourse with the shore, in order that he may fulfil the important commission with which he is entrusted, lending him every assistance, in compliance with his requisitions; as much however, as will allow the safety of the vessels, and of the persons employed in this service.

#### ARTICLE V.

In the event of the whole, or part of the squadron being taken, or any other Portuguese ship, the same shall be sent to this port, or to Fayal, adopting every precaution to prevent their evading themselves.

#### ARTICLE VI.

The commission being concluded at Madeira, His Imperial Majesty orders Captain Mins to send the brig, Count Villa Flor, to this Port of Angra, to acquaint him with the result; and he will proceed immediately to the coast of Portugal, and there reconnoitre the state of that country, its forces, how they are placed, the disposition of the people, &c., which information he will endeavour to obtain from the fishermen, masters, and crews of the vessels he may meet, acting in every thing jointly with the above-mentioned Mr. Mozinho, or with the person he may authorise to act for him in his absence, rendering him every aid to establish a communication with the shore, and even to land, if he should require it, keeping, always, the necessary precautions, recommended in Article IV.

#### ARTICLE VII.

This being the season that Brazil ships generally run between Santa Maria and Madeira, to make the coast of Portugal; Captain Mins will do his best to capture any of these, if Portuguese, more especially large-sized ones, as they will prove very useful for the transport of troops on the expedition.

## ARTICLE VIII.

In all cases, and circumstances, His Imperial Majesty recommends, most expressly and positively, that the prisoners will be treated with all humanity, not to allow cruelties, or acts of vengeance to be practised, which the law does not authorise; and further, that if, in the event of a re-action taking place in the Island of Madeira, an asylum will be allowed on board to all persons who may implore it, whatever their crimes may be, for which they are only to answer before the law.

## ARTICLE IX.

Captain Mins will direct the proceedings of this expedition, in such a manner, that all the vessels (except any accident caused by a superior force) shall be back in this port, by the first week of the month of April next.

(Signed) AGOSTINHO JOSE FREIRE.

Palace of Angra, 13th of March, 1832.

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No. XI.

TO CAPTAIN MINS,

*Her most Faithful Majesty's Ship Donna Maria.*

In addition to the instructions I have given, previous to leaving Terceira, which are still in force, you will continue to blockade the Island of Madeira, particularly the Port of Funchal; in so doing, you will avoid, as much as possible, annoying neutral commerce, and confine the blockade merely to provisions, warlike stores, and enemy's property. The neutral vessels that may wish to discharge their cargoes at Porto Santo, are at liberty to do so, where they will have every aid from the Government, convenient stores, and no duty to pay. If the cargo should be entirely

Portuguese property, you will land the same at Porto Santo, and give a bill upon Mr. Veitch, or on the Government of Her Most Faithful Majesty at Terceira, for the freightage, stating the approaching famine of the Island as your reason for taking possession of the cargo. You will take Her most Faithful Majesty's schooner Terceira under your orders, and make her cruise between Porto Santo and Madeira. You will also send nine men and a midshipman to man a small gun-boat, which will be sent to you to fit out. In these, and all other matters for the good of the service, I wish you to be in perfect understanding with Colonel Mozinho, upon whose talents and character you may firmly rely.

(Signed) R. G. SERTORIUS,  
Vice-Admiral, Commander-in-Chief  
of Her most Faithful Majesty's Naval Forces.

Her Most Faithful Majesty's Ship Donna Maria,  
off Funchal, April 11th, 1832.

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## No. XII.

*Her Most Faithful Majesty's Ship Donna Maria II.*  
*off Funchal, April 14, 1832.*

SIR,

Having picked up three boats belonging, as I suppose, to private individuals, and not wishing to distress them unnecessarily, I have to state, that if you will send a flag of truce for them, as early as possible, they shall be delivered.

I have the honour to be,  
Your obedient Servant,  
(Signed) PETER MINS,  
Captain.

To His Excellency  
The Governor of Funchal.

## No. XIII.

*Her Most Faithful Majesty's Ship Donna Maria II.,  
at Sea, May 3rd, 1832.*

SIR,

I have the honour to acquaint you that, during the time I was employed blockading the Island of Madeira, according to your orders, I captured two of the enemy's merchant vessels, one on the 21st of April, the Monte de Carmo, with a general cargo, four days from Lisbon; and the other on the 24th of April, a yacht from St. Jubes, laden with salt. As I found it impossible to maintain a strict blockade with one ship, notwithstanding I sent the boats away almost every night (the schooner being constantly absent), I put two of my quarter-deck guns in the first vessel, and manned her with fifteen men, calling her after you, the Admiral Sertorius. The other I gave up to Colonel Mozinho, as a gun-boat, for his protection at Porto Santo. The Admiral Sertorius is now in charge of Her Most Faithful Majesty's brig Conte de Villa Flor, as I found it necessary to take my men on board, when I left the blockading squadron. I trust this arrangement will meet your approbation, as also that of the Emperor.

I have the honour to be,

Your obedient Servant,

(Signed) P. MINS,

Captain.

To His Excellency Vice-Admiral Sertorius,  
Commander-in-Chief, &c. &c. &c.

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No. XIV.

TO PETER MINS, ESQ.

*Captain of Her Most Faithful Majesty's Frigate Donna Maria.*

You will, on the receipt of this dispatch, immediately leave the Island of Madeira, and proceed forthwith to Fayal, touching

however at St. Michael's for instructions, which I will cause to be left there for your further guidance. At Fayal you will claim and receive all the stores, &c. destined for the use of your ship.

(Signed) R. G. SERTORIUS,

Vice-Admiral, Commander-in-Chief  
of Her Most Faithful Majesty's Naval Forces.

Angra, April 25th, 1832.

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## No. XV.

*Her Most Faithful Majesty's Ship Donna Maria,  
Ponte Delgada, May 20th, 1832.*

SIR,

I have to report to you the arrival of this ship at this port, on the 8th of this month; and, in consequence of the Emperor wishing me to remain here for the protection of the merchant ships, have been prevented joining your flag at Fayal. I am endeavouring to get the ship ready for service, by procuring provision and stores from the shore. As you are daily expected here, I shall not forward different papers of the prizes, &c., but reserve them for your arrival, which I hope will be soon, and accompanied with the Commissary-General; for sad complaints are made in this ship, for the want of their pay.

I have the honour to be, Sir,  
Your obedient Servant,

P. MINS,  
Captain.

To His Excellency Vice-Admiral Sertorius,  
Commander-in-Chief, &c.

## No. XVI.

*Fayal, May 23, 1831.*

MY DEAR MINS,

I have had some strong discussions with the Emperor, on the subject of the disappointment and opposition I have met with, in a variety of instances, relative to the squadron, particularly arising from the conduct of the Minister of Marine. As far as the Emperor himself is concerned, his natural disposition would make things go on smoothly; but he has some treacherous advisers, enemies to us and to our country; against these I want to guard ourselves. What can the Minister of Marine have meant, by saying, that he was afraid of giving me offence, if he supplied you with provisions! What, when an abundant supply, destined for the squadron, was actually at St. Michael's, that a common act, not only of justice, but still more so of prudence, towards men under my command, should cause me to be offended, is something so manifestly absurd, that I can only attribute one motive to him for the fact—that of wishing to cause mistrust and discontent between us. However, I shall say no more on the subject at present, as I shall be with you by Sunday or Monday next, if we can have a fair wind. Tell all your people that I shall pay them up when I join you, and that I am much pleased with the account you have given of them. I regret much, the Emperor has prevented you from coming here, both on account of the greater convenience of completing your wants, and giving your men a run on shore; now, however, I am afraid it is too late. I must thank you for your compliment, in naming the prize after me. I trust we shall have some far more effectual ones before we get into the Tagus, as the probability is, we shall have a brush. The result I cannot for a moment doubt; whilst their apparent superiority will give brilliancy to the affair. I have desired Wilcox to supply you and the officers with what money you may want until

our appearance. I have directed Hodges to give you fifty marines. The Eugénie (Schooner), with Wilcox *pro tem.* commandante, will be under your orders. She is a remarkably fine vessel; she will have a sergeant's party of marines also. You will, of course, use your own best discretion to do every thing for the advancement and good of the service; but you will receive no orders but through me, or direct from His Majesty. I have a cutter for you, besides a large portion of other stores, not forgetting "hard wood." I have also for you a boatswain, most highly spoken of, and a gunner, if you want one, and a carpenter and crew, all just come out. We shall have much to talk over, when we meet; for the present, adieu.

Believe me

Your's, very truly,

R. G. SERTORIUS.

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## No. XVII.

(TRANSLATION.)

*Minister of Marine's Office.*

His Imperial Majesty, the Duke of Braganza, has determined, that all the vessels of war at an anchor in the roads, shall fire a salute to-morrow, the 28th, being the anniversary of the birth of His Majesty the King of Great Britain.

(Signed)

AGOSTINHO JOSE FREIRE.

Ponte Delgada, May 27, 1832.

To Captain Mins.

## No. XVIII.

*Her Most Faithful Majesty's Ship Donna Maria,  
Ponte Delgada, May 28th, 1832.*

It being His Imperial Majesty's wish, that a salute of twenty-one guns should be fired this day, as it is the day on which his Britannic Majesty's birth-day is kept, you are hereby desired to prepare for the same at one o'clock, and to fire your first gun, when this ship shall fire her second.

(Signed)

P. MINS,  
Captain, and Senior Officer.

To the Captains and Commanders of  
Her Most Faithful Majesty's Ships and Vessels.

## No. XIX.

*Her Most Faithful Majesty's Ship Donna Maria,  
1st June, 1832.*

SIR,

Agreeable to your order, I saluted, on your arrival, your flag with the usual number of guns; feeling sure you are quite in ignorance that no return was made, I beg leave to acquaint you with that circumstance, as also to state, that strange remarks, hurtful to the good understanding of our countrymen, one to another, have been made on shore in consequence.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

P. MINS,  
Captain.

To His Excellency Vice-Admiral Sertorius,  
Commander-in-Chief, &c. &c.

## No. XX.

To Captain MINS,

*Her Most Faithful Majesty's Ship Donna Maria.*

You will permit the Brazilian ship you captured in the Donna Maria, under your command, to enter the port, as early as the captain or owners may think it convenient. You will, however, leave an officer in charge of her, and take from her the men belonging to the frigate Donna Maria.

(Signed)

R. G. SERTORIUS,  
Vice-Admiral, Commander-in-Chief,  
&c. &c. &c.

July 13, 1832.

## No. XXI.

A LIST OF MEN WHO CAME FROM THE PRIZE, AND ON WHOM  
MONEY WAS FOUND.

*John Gayner.	Augustus Ellam.
John Ramsey.	William Frisking.
*Lewis Jones.	William Matthews.
William Foster.	Henry Payne.
John Williams (4).	John Williamson.
Henry Williams (2).	*John Gillespie.

*John Gayner	} To be noticed by the first lieutenant.
*Lewis Jones	
*John Gillespie	

AN ACCOUNT OF THE MONEY TAKEN FROM THE SEAMEN,  
15th July, 1832.

278 Spanish dollars.

211 Brazilian ditto.

18½ Thirty-seven new crowns.

507½ Dollars—Taken from their persons.

20	Spanish.	James Dever's (chest).	
28	Twenty-eight Spanish.	} Chest of Collin McCoy.	
4	Eight new crowns.		
97	Spanish dollars.	} In a bag, found under the table,	
21	Brazilian ditto.		mess No. 19.
<hr/>			
170	Dollars.		
507 $\frac{1}{2}$			
<hr/>			
677 $\frac{1}{2}$	TOTAL.		
<hr/>			

N.B.—Also some trifling things,—such as a ring, silver spoon, &c., taken from their persons.

This is copied from the original, in the clerk's hand-writing.

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## No. XXII.

### EIGHTH ARTICLE OF WAR FOR THE CONSTITUTIONAL FLEET.

No person in the fleet shall take out of any prize, or ship seized as prize, any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's ships or vessels of war, before the same be adjudged lawful prize in some Admiralty court; but the full and entire account of the whole, without embezzlement, shall be brought in, and judgment passed entirely upon the whole, without fraud, upon pain that every person offending herein, shall forfeit his share of the capture, and suffer such further punishment as shall be imposed by a court-martial, or such court of admiralty, according to the nature and degree of the offence.

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## No. XXIII.

*Rainha da Portugal, Vigo Bay,  
December 30th, 1832.*

You will immediately furnish me with an account of all the circumstances relating to the money taken out of the Por-

tuguese ship, detained by you in June last; the information you have obtained by any inquiries instituted on the subject; what sum you have been able to recover; and also, what measures you adopted for that purpose since I last addressed you respecting the affair.

R. G. SERTORIUS,  
Vice-Admiral, and Major-General  
of Her Most Faithful Majesty's Navy.

To Captain Peter Mins, &c. &c.

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No. XXIV.

*Rainha da Portugal, Vigo Bay,  
January 1st, 1833.*

SIR,

I am directed by His Excellency the Vice-Admiral, to request you will furnish him with your reasons why you have not replied to his letter of the 30th ult., in which you were ordered to communicate to His Excellency all the particulars relating to the money taken from the Brazil ship, you detained in June last.

I remain your obedient Servant,

E. BOID,  
Captain, and Chef de l'Etat Major.

To Captain Mins.

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No. XXV.

*Her Most Faithful Majesty's Ship Donna Maria,  
January 1st, 1833.*

SIR,

I have to state, in answer to your letter of the 30th of last month, that I have been endeavouring to find the papers, which contain all the circumstances, &c.; but, in the absence of my

clerk, I was not able to find them: however, the whole concern is placed in the hands of a competent person at Oporto, to arrange; I shall therefore endeavour, in the course of the day, to furnish you with what you desire.

I have the honour to be, &c. &c.

P. MINS.

To Admiral Sertorius.

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No. XXVI.

*72, Great Russell Street, London,  
September 30th, 1833.*

YOUR EXCELLENCY,

I take the earliest moment to transmit your Excellency a copy of my account with Her Majesty's Government, and which I regret it was not before in my power to arrange, in consequence of Vice-Admiral Sertorius having so strangely taken possession of my property, in which were all the documents; and I have only within a few days recovered a small part of them. I have to request your Excellency will be pleased to acknowledge the receipt of this account, as also to state if it is found satisfactory; and also to assure your Excellency, I shall be glad if you will direct any person you may think proper, to look over my different documents, which I shall with pleasure submit for examination; and should there be any accounts I do not know of, I trust I may be made acquainted with them, as I wish to place every thing square.

I have the honour to be,

Your Excellency's obedient Servant,

P. MINS.

To His Excellency the Minister of Marine, Lisbon.



## No. XXVIII.

STANDING ORDERS, AND REGULATIONS FOR HER MAJESTY'S  
SHIP DONNA MARIA.

## I.

The following orders I expect to be most strictly complied with.

## II.

No man is to be struck, beat, or started, but complained of to me. The officers may rely on being fully supported in the execution of their duty.

## III.

When I am on board, no officer is to leave the ship without my permission; and I desire the uniform established by the Admiral is at all times worn.

## IV.

Great care to be taken of the lights on the lower deck, gun room, and cabins.

## V.

The lieutenants will find, in the night order book, instructions for their guidance when on duty; but it is my most positive order the quarter-deck is never left without a lieutenant, at sea or in harbour.

## VI.

When the hands are called, on all occasions the officers are to attend in their stations; see the duty carried on with alacrity and silence; occasionally reporting the good and bad of the ship's company to me. The officer of the middle watch will not be expected to comply with this order before 10 o'clock.

## VII.

The master (or officer doing that duty) is to bring the ship's log-book to me every day at noon, signed by the officers. He is to pay particular attention to the stowing of the hold, state of the rigging, and standing of the mast. He is to be present whenever the cables are bent or unbent.

## VIII.

The officers of the marines are to inspect the marines' berths and hammocks every morning; and at 9 o'clock in the evening, in winter, and 10 in the summer, to go the rounds, and report to me accordingly.

## IX.

The surgeon, or his assistant, is to be constantly on board; the sick visited frequently during the day, and to be reported to me every morning.

## X.

The commissary is every Sunday morning, at divisions, to deliver to me an account of provisions on board. He is strictly enjoined to pay particular attention to the quantity and quality of the provisions served out. He is to see that the overplus of grog mixed is started in the scuppers; and he is not to suffer a light to be used in the steward's room after 4 in the summer, and 3 in the winter: and at quarters every evening, he is to see, and report to me, the fighting lanterns being in a proper state for use.

## XI.

The first-lieutenant is never to quit the ship without my knowledge or leave. He is, in my absence, to see these regulations attended to. I look to him in particular to enforce all orders I may give, either for the public service, or for the better discipline of the ship.

It is my particular direction, that every officer, from the first-

lieutenant to the smallest mid., carries a complete watch, quarter, station, and division list, that he may muster the station he is at; especially whenever there appears to be a want of hands, and when a sculker is reported.

(Signed)

P. MINS,  
Captain.

Her Majesty's Ship Donna Maria,  
4th January, 1832.

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#### ORDERS FOR THE OFFICER OF THE WATCH.

The officer of the watch is never to leave the deck until regularly relieved; he is to direct the mates or mids. of the watch to visit between decks, during the night, every half hour, and report the light, and sentries, &c. The mate, or mid. of the watch, is to be sent to acquaint me with every alteration of the wind or weather. Sails may be shortened, but never made, unless I order it. He is to have the well sounded when he takes charge, and every two hours. The officer of the morning watch is to see the lower deck cleaned, and report to me when that duty is done. Whenever an officer boards a strange sail, he is immediately to close with the ship as near as the state of the weather will permit.

(Signed)

P. MINS,  
Captain.

Her Majesty's Ship, Donna Maria,  
4th January, 1832.

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#### TO THE MIDSHIPMEN.

The following orders the mids. of the ship are to attend to. Whenever the hands are turned up, I expect and insist on seeing them the first up the hatchways, obeying all orders with alertness,

and, above all, keeping silence among the ship's company. They are always to carry a watch, quarter, and station bill, hammock and division list, of the whole crew, ready to muster at a moment's warning. In the berths, order and regularity are to be observed; on the quarter deck, great attention to the orders of the officer of the watch, and a good look out for signals, and strange sails. When on duty on board other ships, they are not to go below, or permit the men to leave the boats: on shore, they are to stay by the boat, and keep the men together; and to take great care they do not bring spirits or wine on board. The steerage hammocks will be up at six bells every morning.

(Signed)

P. MINS,  
Captain.

Her Majesty's Ship Donna Maria,  
4th January, 1832.

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ORDERS TO THE SHIP'S COMPANY.

It shall be my study to make you as comfortable as I can, granting you every indulgence in my power, when good conduct deserves it: seeing you are properly rated. Washing days will be allowed whenever the weather will permit, though no man is to wash, hang up clothes, &c. without particular permission. Drunkenness, contempt, or disobedience to any officer, are crimes I shall punish with great severity. No man shall be struck, beat, or started; and if any man has cause of complaint, either of his provisions, or any other thing, let him come quietly on the quarter-deck to me, and he may depend on justice being done him: and I wish and hope every man may feel a pride in the appearance of the ship; and that in reefing, furling, &c. she may be beaten by none.

(Signed)

P. MINS,  
Captain.

Her Majesty's Ship Donna Maria,  
4th January, 1832.

## No. XXIX.

MAY IT PLEASE YOUR MAJESTY,

It is with feelings of the deepest regret, that I feel myself compelled to apply to your Majesty at this period, for an investigation of my conduct, during the time I have had the honour of serving the most glorious cause ever undertaken; but knowing your Majesty to have the finest feelings of honour and justice, I feel quite satisfied your Majesty will not refuse me my most urgent request, when I state to your Majesty, that my conduct, at all times since I have had the honour of commanding her Most Faithful Majesty's frigate Donna Maria Segunda, has been reported to have been far different to that which it ought to have been from an officer placed in so great a charge. I am accused of constantly having neglected my duty, of repeatedly overstepping it, and of having my ship constantly in a state of mutiny. On the 3rd and 10th of August, when in the presence of the enemy, I am accused of not having done my duty. This accusation, touching my honour, and the honour of my officers, and ship's company, besides the honour of her Most Faithful Majesty's flag placed under my care, obliges me (in which I am joined by all my officers) to beg and entreat your Majesty will grant an inquiry, in any way your Majesty may think proper. The health and happiness of your Majesty will ever be the prayer of your Majesty's dutiful subject.

(Signed)

P. MINS,

Captain

of Her Most Faithful Majesty's  
Ship Donna Maria at Sea.To His Imperial Majesty, Dom Pedro,  
Duke of Braganza.

## No. XXX.

*Rainha da Portugal, at Sea,  
September 17th, 1832.*

The Vice-Admiral regrets being under the necessity of observing to Captain Mins, how constantly the Donna Maria is out of her station, both by night and day, notwithstanding the repeated injunctions he has already given on that subject. He cannot help expressing, also, how extraordinary it appears that British officers and seamen should manifest so much irregularity, and want of tact, in the face of an enemy whose skill we have been rather wont to despise, yet who have hitherto, during dark or daylight, observed the most uniform order. The Vice-Admiral therefore again requests that, in future, the strictest and most scrupulous attention may be given by the Captain and officers of the Donna Maria, to the preservation of that ship's station.

(Signed)

R. G. SERTORIUS,

Vice-Admiral, Commander-in-Chief  
of Her Most Faithful Majesty's Squadron.

To Captain Mins,

Her Most Faithful Majesty's Ship Donna Maria.

## No. XXXI.

*Off the Rock of Lisbon, Sept. 11, 1832.*

As the enemy's fleet are out, and it is uncertain whether they intend to communicate with Figueira, or Villa de Conde, the detached ships of Her Most Faithful Majesty's squadron will continue to cruize off Aveiro, keeping a most strict look out, by night and day, for vessels, or signals that may be sent or made to them for their further guidance.

(Signed)

R. G. SERTORIUS.

To the Senior Officer of the detached Squadron.

## No. XXXII.

*Her Most Faithful Majesty's Ship Rainha de Portugal,*

*Sept. 15, 1832. Latitude 37—21. N.*

*Longitude 11—37. W.*

If any of Her Most Faithful Majesty's squadron are now cruising off the Rock of Lisbon, they will keep well out in the offing, and widely spread during the day, to endeavour to join my flag, as the enemy's vessels may intend to return to the Tagus again; if not, they will bear away to the northward, keeping well to the westward in the case of the wind being to the northward. As the same wind has undoubtedly prevailed at thirty or forty miles from the coast, in the latitude of Cape Rocca, as here, the several officers, or commanders of the vessels, may easily calculate upon the station they ought to keep, to intercept the hostile squadron. They must be under a press of canvass all day, and near each other at night; not nearer than twenty miles from the land, and about sixty to the westward. If the squadron should be off Figueras, or Aveiro, they will remain near the latter place until further orders.

(Signed)

R. G. SERTORIUS,

Vice-Admiral; Commander-in-Chief of  
Her Most Faithful Majesty's Squadron.

To the Senior Officer, or Commander,  
of the detached Vessels belonging to  
Her Most Faithful Majesty's Squadron.

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No. XXXIII.

*Oporto, September 25th, 1832.*

SIR,

His Excellency the Minister of Marine directs that you proceed, with the squadron under your command, to blockade the Tagus.

In proceeding to the southward, you are to cover as much ground as possible, as it is important you should join the Vice-Admiral.

Her Most Faithful Majesty's brig *Mindella*, is sent to rejoin your squadron, and with her the *City of Edinburgh* (steamer); the latter vessel you are to send back immediately, if you do not meet the Admiral off the Tagus, and transmit by her, for the information of His Excellency, any intelligence you may receive; but in the event of your receiving such intelligence as will render the detention of the steamer necessary, it is left to your discretion, the Minister only reminding you, how essential it is the Government should have the earliest possible intelligence.

If you meet the *Liberal*, off *Figuera*, you are to give her commander the accompanying instructions.

I am, Sir,  
Your obedient humble Servant,  
**PERCY ROSE,**  
Commander and Aide-de-Camp.

To Captain George, Commanding  
Her Most Faithful Majesty's Ship *Constitution*.

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## No. XXXIV.

*Her Most Faithful Majesty's Ship Donna Maria,*  
*September, 27th, 1832.*

YOUR EXCELLENCY,

Having parted company with Admiral Sertorius on the 23rd, in lat. 39., long. 12. 23., and not having any directions, or rendezvous, what to do in such a case, I steered for the Rock of Lisbon, judging it was the Admiral's intention to do so, from the course he steered the day before; not being able to get any information of him there, and hearing from an English steam-boat, that our squadron was at Oporto, I thought it my duty to make the

best of my way to that port. I now beg leave to report my arrival, and beg your Excellency's orders for my further proceedings. The enemy's squadron were not in sight when I last saw the Admiral, but were not many miles distant.

I have, &c.

(Signed) P. MINS,  
Captain.

To his Excellency  
The Minister of Marines, Oporto.

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No. XXXV.

*Her Majesty's Ship Donna Maria,  
September 27th, 1832.*

YOUR EXCELLENCY,

Having this moment joined company with the squadron, under Captain George, I beg leave to inform your Excellency I have taken them under my command. I perceive, by his orders from you, that he is to go to Lisbon, with the intention of meeting the Admiral; but, from information I have received, I find three boats have left the Tagus, for either Figuera, or Aveiro, laden with arms and ammunition. I shall therefore remain off Cape Mondego, to endeavour to intercept them, until I receive your orders, which I trust you will send me immediately, as I think I am as likely to meet the Admiral here as off Lisbon. Captain Bertrand's ship is of the greatest importance to the squadron, I therefore trust you will send her to join me. I feel no doubt that with this ship, when we meet the Admiral, we shall be able to attack the enemy with great advantage; when, without her, the enemy's superiority would be great. I need not point out to your Excellency the necessity of keeping our ships together, for to meet the enemy in any other way but altogether would be much to our disadvantage. I have sent the steam-boat with these letters,

being only forty miles to the southward, and she will be sure to meet me with the squadron off Cape Mondego, when I trust Captain Bertrand will be there also.

I have, &c.

(Signed) P. MINS,  
Captain.

To his Excellency  
The Minister of Marines, Oporto.

### XXXVI.

*Rainha da Portugal,  
September 28th, 1832, off Oporto.*

You will make every possible haste to join my flag, with all the ships and vessels of Her Most Faithful Majesty, that are now cruising off the coast, excepting the schooner Liberal. You will keep the shore on board, and look out for this ship, as I shall endeavour to meet you. The City of Edinburgh you will immediately dispatch to me again, and the Liberal will continue to execute her former orders.

(Signed) R. G. SERTORIUS,  
Vice-Admiral and Commander-in-Chief of  
Her Most Faithful Majesty's Squadron.

To Captain Mins, or  
the Senior Commanding Officer of  
Her Most Faithful Majesty's Vessels off Aveiros.

### No. XXXVII.

*Her Most Faithful Majesty's Ship Donna Maria,  
October 11, 1832,  
Forty Miles West of Bayonna Islands.*

MOST ILLUSTRIOUS AND MOST EXCELLENT SENHOR,

At six o'clock yesterday morning, the enemy's squadron, consisting, as I stated in my last dispatch, of a ship of the

line, a frigate, two corvettes, and two brigs, was observed to be standing out of Vigo Bay. I immediately got under weigh from my anchoring ground, within the Bayonna Islands, and stood after them; I determined, notwithstanding his great superiority of force, to compel him to a general action, in the confident expectation that I should, at least, reduce his large vessels to such a state, as to render them unfit for service for some months to come. Accordingly, I planned my attack with respect to my small vessels so as to leave myself at liberty to attack the enemy's ship of the line with two frigates, while my corvette should occupy the attention of the rebel frigate; but soon after one o'clock this morning, while in the act of nearing the enemy, and commencing action, the breeze fell off to scarcely a breath of wind, and few of the small vessels could take the positions I had assigned to them, and thereby afford me that assistance which I am certain they were most anxious to give. The consequence was, that the whole of the enemy's fire (then within grape shot range) was directed solely upon the frigates, and the brig *Twenty-third of July*, but more particularly on my flag-frigate, and finally upon the *Portuense* corvette. The enemy's fire was received and returned by all the officers and crews of our vessels with the most invincible spirit and courage during the whole of the action, which lasted four hours and a half. At this period, finding that my larboard shrouds had suffered considerably, and that some of the guns on the same side had become temporarily unserviceable, I proceeded to put about, in order to engage on the starboard side. I accomplished this manœuvre with a well-directed fire on the enemy's frigate. It was scarcely effected, however, when I observed that the enemy was crowding sail towards the south. This afforded me time and opportunity to repair the damage done to my rigging, which I am now putting in order; and I hope, by four o'clock this evening, to pursue the enemy closely, and to force him to renew the action. It is impossible for me to find terms sufficiently ex-

pressive to describe the coolness, bravery, and intrepidity of all the officers, sailors, and marines, who took part in this unequal conflict, especially the services afforded me by the Commander of my frigate, my Flag-Captain Mins, as well for his experience and courage during the action, as for his skill and activity in the work of refitting, with which he has been since occupied, I take the liberty of recommending him to His Imperial Majesty's high consideration, which he justly merits, in conjunction with Captains Crosbie and Morgell, as well as the Chief of my staff, Captain Boid, and Lieutenant-Colonel Williams, commanding the Marines, to whose zeal, vigilance, and activity, it is impossible to express sufficiently how much I was indebted during the whole of the action. Enclosed I transmit to your Excellency a list of the killed and wounded in the engagement; having to lament there is, among the latter, Captain Morgell, one of my bravest and most active officers, of whose services I must necessarily be for some time deprived.

I have the honour to be,  
Your Excellency's most obedient Servant,  
(Signed) R. G. SERTORIUS,  
Vice-Admiral and Commander-in-Chief of  
Her Most Faithful Majesty's Squadron.

To his Excellency  
Senhor Luiz de Silva Mozinho d'Albuquerque,  
Minister of Marine.

#### RETURN OF KILLED AND WOUNDED ON BOARD HER MOST FAITHFUL MAJESTY'S SQUADRON.

*On board the Donna Maria II.*

*Killed.*—James Pitcher, Isaac Harvey, Daniel M'Cullum, Michael Toomey, John Wolf, John Creame (Seamen).

*Wounded, and since Dead.*—Mr. William Dawson (Midshipman), George Allen (Seaman), William Towers (Marine).

*Seriously Wounded.*—Hugh M'Call, Henry Williams, John Kelley, William Cox, John M'Coy, Benjamin Dixon, George Pater-son, John Thompson, Richard Till, Henry Jones, William Wainwright, Robert Moreland, William Potter, Matthew Sowerby (Seamen).

*Slightly Wounded.*—Vice-Admiral Sertorius, Lieutenant Ross. Joseph Jennings, James Robinson, Joseph Thompson, John Pascoe, Mark Jones, John Carpenter, Robert Rogers, Wil-liam Friske, Robert Easterbrook, Joseph Constance, George Reilly (Seamen).

*Rainha da Portugal.*

*Killed.*—William Gibson (Lieutenant), Henry Fitz-Henry (Master-at-Arms), John Scott (Seaman).

*Portuense.*

*Killed.*—William Collins (Seaman.)

*Seriously Wounded.*—Thomas Sharpe (Lieutenant), George Glen-denning (Boatswain).

*Slightly Wounded.*—Charles Launcet (Seaman).

*Twenty-third of July.*

*Seriously Wounded.*—Foord Morgell (Commander).

*Mortally wounded, and since Dead.*—Joas Manoel Gonsalvez.

*Seriously Wounded.*—José Contusao, Manoel Gomez, José de Ole-veira, Alexander José Lopez (Seaman).

(Signed) GEORGE BIRMINGHAM,

Surgeon.

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## No. XXXVIII.

MY DEAR MINS,

The Admiral requests me to say, it is his most particular order, that the money allowed for the officers' table of the gun-room, shall be expended for that purpose alone; and that, on insinuating this to them, you will state the allowance was made to enable them to support the respectability of the service, which he (the Admiral) is most anxious to uphold. No symptoms of an attack, but I think much the contrary, since the arrival of our reinforcements (440 red jackets). A report this morning says, St. Julian is in the hands of Admiral Parker; too good to be true. I see no letters for you. I am Capitaó da frigata efectivo, also George and Morgell. Can I do any thing for you; I may be here a couple of days.

Your's truly,

(Signed)

E. BOIL.

## No. XXXIX.

Received from Captain Mins, two sovereigns, as a donation from Admiral Sertorius, for attendance.

(Signed)

JOSEPH CONSTANCE.

## No. XL.

*Her Most Faithful Majesty's Ship Donna Maria,  
Vigo, 18th November, 1832.*

SIR,

Having been blown out to sea from Oporto, and finding the ship making sixteen feet water a day, with the main-mast badly wounded, I proceeded to this anchorage for the purpose of refitting, and arrived here the 9th instant, about a mile and a half above the town, opposite a little river called Teis. I am proceeding with all haste to get ready for sea, but do not think

I can possibly do so before the end of the month, as I have only one hundred and ninety men and officers on board, with a great deal of heavy work to do. I hope to finish with the rigging of the ship in a few days more, having fished and put part of the main-mast to rights; the carpenters and watering will detain me, as I am obliged to stow the hold afresh, in order to careen the ship in different ways for their convenience. I trust you will send me my marines, so necessary for the preservation of discipline (several instances have occurred which without them cannot be prevented), as also my seamen, provisions, and stores. The Rainha da Portugal arrived here last monday, the 13th. The two frigates have been, by my order, supplied with bullocks and vegetables; and I have been obliged to order a piece of wood, to make the cheeks of the main-mast, and a few minor articles, but am entirely without funds to pay for the same. I trust you will send money to defray these expenses. A piece of wood, to make a cat-head is also necessary. I have to report, that when the bower anchor was got up, at Oporto, it was without a fluke, thus leaving me with only two anchors; there is an anchor that formerly belonged to the Rainha, at Oporto, and thirty fathoms of cable, which I beg may be sent to me. I find every assistance is given me by the people on shore, but *pratique* is refused; and I have received a letter, desiring me to leave the harbour as soon as I have done that which I came to do. Several letters have passed from and to me, all of which I shall forward when I join your flag.

I have, &c. &c.

(Signed)

P. MINS,  
Captain.

To His Excellency Vice-Admiral Sertorius,  
Commander-in-Chief.

## No. XLI.

*Her Most Faithful Majesty's Ship Donna Maria,  
Vigo, 29th November, 1832.*

YOUR EXCELLENCY,

Having been informed by his Excellency the Marquess Palmella, that bullocks would be well received by your Excellency, I have taken advantage of the schooner Boa Esperanza, who came in here, in consequence of bad weather, and by her I send twelve; and shall endeavour to bring as many when I sail, which I trust will be in ten days time.

I have, &c.

(Signed)

P. MINS.

Captain, and Senior Officer.

To His Excellency the Minister of Marine,  
Oporto.

## No. XLII.

*Her Most Faithful Majesty's Ship Donna Maria II.,  
29th November, 1832.*

(MEMORANDUM.)

You will proceed to Oporto with all possible dispatch, and deliver to the Minister of Marine, or to Admiral Sertorius, the twelve bullocks you have on board; as it will be of consequence that you should land these bullocks, you will enter the Douro, notwithstanding they may fire at you; remembering, you have a pilot on board, and the performance of this as quickly as possible, is absolutely necessary.

(Signed)

P. MINS,

Captain, and Senior Officer.

To the Commander of  
Her Most Faithful Majesty's Schooner  
Boa Esperanza.

## No. XLIII.

To Her Royal Highness the Infanta  
DONNA ISABELLA MARIA BRAGANZA.

*Her Most Faithful Majesty's Ship Donna Maria,  
Vigo, 30th November, 1832.*

SENHORA,

Hearing your Royal Highness is anxious to join His Imperial Majesty at Oporto, I am endeavouring to forward your wishes, by rendering you all the assistance in my power; and I beg your Royal Highness will place full reliance and confidence in the person who will deliver this, who will provide you with any thing necessary for your journey to this place; where I will give you every accommodation my frigate is able, and place you safely wherever you may wish. I trust your Royal Highness will not lose time, for my ship will be wanted for service, but should you wish me to remain, I shall feel it my duty to do so, and shall hope to receive a message from you as soon as possible.

I am, with the highest respect,

Your Royal Highness's humble Servant,

(Signed)

P. MINS,

Captain, and Senior Officer.

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No. XLIV.

*Vigo, December, 19th, 1832.*

MY DEAR MINS,

My old friend Savory dined with me to-day, who informed me that the prize-money would be paid to-morrow; and to my astonishment, I find that Lieutenant-Colonel Williams, by the Admiral's directions, is classed with us; this appears not as it should be, and if you are of the same opinion, I shall be most willing to join you in putting a negative to this mandate of the

Chief; I do that, not from any dislike to Williams; you must be aware that in the British service, that grade of officers are quite unknown in the distribution of prize-money, and we must be careful, before we make a precedent. Let me know, as soon as possible, your opinion on the subject.

And believe me, Dear Mins,

Your's, very truly,

(Signed) T. SACKVILLE CROSBIE.

To Captain Mins,  
Donna Maria.

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## No. XLV.

*Her Most Faithful Majesty's Ship Donna Maria II.,*  
14th December, 1832.

SIR,

I have to make known to you, that I am ordered by the Commander-in-Chief to assemble a court-martial, on board Her Most Faithful Majesty's Ship Donna Maria Segunda, to-morrow morning, for the purpose of trying you, for charges brought against you by the Vice-Admiral, which charges I enclose.

I have the honour to be,

Your obedient Servant,

(Signed) P. MINS,

Captain.

To Commander P. Rose,  
Villa Flor.

## No. XLVI.

(MEMORANDUM.)

*Her Most Faithful Majesty's Ship Donna Maria,*  
14th December, 1832.

You are hereby ordered and directed to take upon yourself the charge and duty of Judge-Advocate, at a court-martial ordered to assemble to-morrow morning, on board Her Most Faithful Majesty's Ship Donna Maria, at eleven o'clock.

(Signed)

P. MINS.

Captain.

T. Beaumont, Commissary,  
Her Most Faithful Majesty's Ship Donna Maria II.

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No. XLVII.

*Her Most Faithful Majesty's Ship Donna Maria II.,*  
14th December, 1832.

SIR,

You are hereby ordered and directed to attend as a member of a court-martial, ordered to be assembled on board Her Most Faithful Majesty's Ship Donna Maria Segunda, on Saturday, December the 15th, at eleven o'clock, for the purpose of trying Commander Rose, for charges brought against him by the Vice-Admiral Commander-in-Chief.

I have the honour to be,

(Signed)

P. MINS,

Captain.

To Captain Crosbie, Rainha da Portugal.

To Captain P. Bertrand, Portuense.

To Commander Blackiston, Rainha da Portugal.

To Commander Shute, Rainha da Portugal.

## No. XLVIII.

*Her Most Faithful Majesty's Brig Villa Flor,  
14th December, 1832.*

SIR,

I have the honour to acknowledge the receipt of your letter, communicating the Vice-Admiral's orders to you to assemble a court-martial to-morrow morning, to try me on the charges you have enclosed. I beg leave to request you will be pleased to order Captain Tenente Auffinier, and Lieutenant Salter, Ruxton, and Wooldridge, to be subpœnaed as evidences. I avail myself of this opportunity of reporting to you that I have neither proper accommodation or privacy sufficient on board this brig to prepare my defence, and have to request you will be pleased to take such measures as you may deem necessary, for giving me the necessary facility to prepare my defence against such serious charges.

I have the honour to be, Sir,

Your obedient humble Servant,

(Signed)

PERCY ROSE,

Captain.

To Captain Mins,

Her Most Faithful Majesty's Ship Donna Maria.

## No. XLIX.

*Her Most Faithful Majesty's Ship Donna Maria Segunda,  
Vigo, December 23, 1832.*

MY DEAR SERPA,

Being about leaving the Portuguese cause, in consequence of the conduct of the Commander-in-Chief, I wish to take some steps respecting the small portion of money (saved) that was, by the men of this ship, stolen from the Portuguese ship Commercio Maritimo (which I mentioned to you before), detained by me off the Bar of Oporto, the day we landed the troops near that town. The sum I

have, is something more than 600 dollars, taken from our men on their return from the prize, when she was ordered to enter the Douro. I leave all these inquiries with you ; and shall be glad to return the money I have to the rightful owners, whenever they can be found, which I trust you will do. The money I have long since sent to England, of which the Admiral approved, as it was inconvenient to keep so much on board. My address will be, in England, 72, Great Russell-street, Bloomsbury, London, where I shall attend to any thing you may write. I trust you have received my letter, written to you about the court-martial. It will, no doubt, have a good appearance in the English prints. I wish you every possible success, and shall ever be

Your's most sincerely,  
(Signed) P. MINS.

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### No. L.

(MEMORANDUM.)

*Bayonna Island,  
December 27, 1832.*

The squadron of Her Most Faithful Majesty, being composed entirely of British, the Commander-in-Chief trusts that the officers will conform to the English Navy, by shaving their beards and mustachios.

(Signed) R. BLACKISTON.

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### No. LI.

*Donna Maria,  
Vigo, December 31st, 1832.*

SIR,

Having this day heard that you have made strange, injurious, and inaccurate observations, respecting the discipline of

the ship, by stating it would be dangerous to come on board her, as one would get knocked down immediately on getting on the gangway: and feeling sure the most unfounded impressions have been made by some base backbiter, I must request you, as a British officer, to give me your informant's name, with the particulars of so foul an insinuation; and also, by coming on board the ship yourself, to be enabled to form an opinion of the person who would poison your ears with so base and unlikely a thing.

I have the honour to be, &c.

(Signed) P. MINS.

To Commander Massey,  
Dom Pedro.

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## No. LII.

*Vigo, January 14th, 1833.*

SIR,

It is with horror and surprise I have this day been told that I am accused of having embezzled money from a prize taken by the Donna Maria. As a naval officer, how you can dare lay such an unfounded accusation to me, I am at a loss to tell. But, Sir, since you do dare, I must state it to be the blackest falsehood possible; and when you can act with justice, and place me before a court composed of all the captains of the service, you will find me ready and most willing. You have also stated, I have run from my ship. Now, Sir, having been superseded by you, you having read the other captain's order to the ship's company, and having been discharged from the ship, I do not consider myself under your orders in any way, but from your unjust conduct, acting contrary to the rules of the British navy, I have just fears that the court you would bring me before, would be constituted in the most unlawful manner, by those officers you have lately appointed to the command of your ships,—I therefore

refused to see any one, but was not secreted, being in a cabin with nine bed-places. Your captains are not eligible to try me, the senior captain in the service. I have therefore a right to demand a full court, composed of all the captains in Her Majesty's navy, before which court it will be my most anxious wish to appear; but before any unlawful court, I will not, except by force, and then I shall only protest against the tyrannical proceedings. You have taken possession, I understand, of all my things from the steamer. Now, Sir, I expect, since you have committed so dishonourable a thing as to take my private property, you will have honour enough to give them up to Captain Penlerich immediately, in the same state as when I left them. When you can make up your mind to act with honour and justice, by causing a court to be composed of all the Captains in the service, you will find me ready to appear before them, but never before an unlawful court. Any accounts I may have left unsettled, was in consequence of the unlawful and sudden manner I was removed from my ship, but my cards were left with the ship's company, and you knew my address, as also the Government at Oporto, to whom I had written respecting the money of the prize some time before leaving my ship. If you can act with justice, I shall not flinch any inquiry, though I have too much reason to doubt your honourable feeling.

I am, Sir,

(Signed)

P. MINS.

To Vice-Admiral Sertorius.

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## No. LIII.

### TRIAL BY COURT-MARTIAL.

At a court-martial held at the Intendant of Marine, at Villar, in the City of Oporto, on Thursday, the 18th of April 1833,

*President*—Brigadier-General Pizarro.

*Court*—Brigadier-General Ferreri; Brigadier-General Pereira; Brigadier-General Reboxo; Brigadier-General Moscozo; Brigadier-General Arraes.

*Judge-Advocate*—Senhor d'Oliveira.

*Prosecutors*—The Ministers.

*Prisoner*—Captain Peter Mins.

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The Court having been assembled, the Judge-Advocate read the following letter from Vice-Admiral Sertorius to the Minister of Marine, which contained the charges on which the prisoner demanded a court-martial:—

*Her Most Faithful Majesty's Ship Rainha da Portugal,*  
*February 7th, 1833.*

SIR,

In consequence of repeated conduct of a nature highly injurious to the service of Her Most Faithful Majesty's navy, most destructive to all discipline, and most insulting as well as dishonourable towards me, his Commander-in-Chief, I was under the necessity of superseding Captain Mins until the pleasure of His Imperial Majesty was made known, or until a court-martial could be held, and for which purpose I place him under an arrest. Notwithstanding this latter circumstance, since that period Captain Mins (although aware that all the ship's books and papers, relative to the stores, and payment of men, required being authenticated by him) thought proper to refuse seeing any of my officers, or receiving from them my commands, and has, in the most unofficer-like manner, clandestinely absented himself from the squadron, thereby leaving unexplained a robbery of, I am told, ten thousand dollars, committed by a portion of his crew in a Portuguese ship, and which he has refused, after repeated orders, to give me any account of, or to state the sum he was

able to recover according to my directions, or the means he adopted for the purpose of effecting such recovery. The contents of a letter I have received from him, dated Vigo, are of the most insulting nature, in which he says he has left his cards of address in England for the settlement of all pecuniary affairs with the officers and men, although he had large sums of money *with* him. In the same letter, also, Captain Mins refuses to appear, unless that which he knows cannot be granted to him will be acceded, namely, a court-martial composed of all the officers, both Portuguese and English, of Her Most Faithful Majesty's service, which is evidently only a subterfuge, he being well aware, that the laws of the two navies are different, and that a court-martial upon the same principle as that which tried Captain Rose, whose legality he acknowledged by sitting as president, must be equally legal for him, the more particularly as the British laws only admit of one principle for the formation of a court-martial on military persons, from the admiral down to the sailor.

There are circumstances also connected with the robbery already alluded to, of a nature to bear powerfully on Captain Mins's character as a gentleman and an officer;—I beg to add, I have already convicted Captain Mins (and he is guilty by his own acknowledgment) of having torn a leaf out of the ship's log-book, a journal of the events and proceedings of the vessel, considered, I believe, in *all* marines, a book almost as sacred as the scriptures; and to have inserted, in lieu of the original account, a most atrocious falsehood, intended to injure my character, and calculated to introduce disunion between the ships' companies of the squadron; also of having repeatedly spoken in a most disrespectful manner of me, without alleging any earthly motive for such conduct, but the supposition that I was his enemy, which I proved to be most false and ungrounded. Judging, however, from circumstances, that it would be better for my own feelings to be smothered, than the public service should suffer, I accepted the

apology he made before all the superior officers of the squadron, restored him the commission he had given up, gave him my hand, and in a few days after returned to my own ship.

Since then his conduct has been such as I have described in the commencement of my letter, and which obliged me to resort to the measure of superseding him ; I therefore, as a duty I owe to my own character, as well as for the proper maintenance of military discipline, have now to request, as Captain Mins has thus absented himself from the service, and refused also to appear, that he may sacrifice his claims to be any longer considered an officer in the service of Her Most Faithful Majesty's navy, and that His Imperial Majesty will be pleased to authorise me publicly to announce the same.

I have the honour to remain,

Your Excellency's obedient Servant,

(Signed)

R. G. SERTORIUS,

Vice-Admiral and Major-General of  
Her Most Faithful Majesty's Navy.

To His Excellency the Minister of Marine.

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The following letters were then read :—

*Vigo, Lord of the Isles (Steamer),*

*Feb. 14th, 1833.*

MY DEAR BOLD,

Having settled every thing in England, I am now ready to answer any charges the Admiral may bring against me before a lawful court-martial, and according to the British laws ; and for that purpose I am here, attended by a legal adviser. I shall be glad to see you, and have the charges sent me as soon as possible,

And remain your's truly,

(Signed)

P. MINS.

To Captain Boid,  
Secretary to Admiral Sertorius.

*Cosmo's Hotel, Oporto, Feb. 22nd, 1833.*

YOUR EXCELLENCY,

Having heard the Commander-in-Chief has laid heavy charges to me, since superseding me from my ship, I wrote him, to say I was ready to answer any of them ; and, waiting some days without getting an answer, I determined to come here, and now beg to report myself to your Excellency, and to state myself ready to answer any and every charge that may be preferred against me,

And have the honour to be,

Your Excellency's humble Servant,

(Signed) P. MINS.

To His Excellency the Minister of Marine.

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*Oporto, Feb. 23rd, 1833.*

YOUR EXCELLENCY,

I have to request your Excellency will order and direct the Vice-Admiral commanding Her Majesty's ship to furnish me immediately with the charges he intends to prefer against me, to enable me to make all necessary preparations for my trial ; and I have also to beg you will order my trunks, &c. taken by the Admiral, to be sent me, for without my papers I can do nothing.

I have the honour to be,

Your Excellency's humble Servant,

(Signed) P. MINS.

To His Excellency the Minister of Marine.

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*Oporto, Feb. 25th, 1833.*

YOUR EXCELLENCY,

I have to request your Excellency will be good enough to furnish me with the copies of the Vice-Admiral Commander-in-Chief's dispatches respecting the two naval actions of the 10th of August, and the 11th of October, 1832,

And have the honour to be,

Your Excellency's humble Servant,

(Signed) P. MINS.

To His Excellency the Minister of Marine.

*Oporto, March 27th, 1833.*

YOUR EXCELLENCY,

I have to request your Excellency will be good enough to order me to be furnished with copies of the letters written to the Minister of Marine, by the late Vice-Admiral and Commander-in-Chief, complaining of my conduct, and which letters are so necessary for me to refute the false insinuations contained in them.

I have the honour to be,

Your Excellency's humble Servant,

(Signed)

P. MINS.

To His Excellency the Minister of Marine.

*March 27th, 1833.*

YOUR MAJESTY,

Having been unlawfully removed, by the late Vice-Admiral, from the command of the ship entrusted to me by your Majesty, and having failed in every attempt to get a lawful court-martial, according to the British navy, to inquire into the charges brought against me by him, I beg your Majesty will forward my anxiety to assist the good cause I have been so long engaged in, by ordering a court, according to the Portuguese laws, to inquire into the charges contained in the Admiral's letters, and for the good of the country; and, in consequence of the conduct of the Admiral, I, for *this* charge, will renounce that particular clause under which I am serving.

Wishing health and happiness to your Majesty,

I am your Majesty's dutiful Subject,

(Signed)

P. MINS,

Captain de Mar and Guerre.

To His Imperial Majesty,  
Dom Pedro, Duke of Braganza.

The Judge-Advocate now read the order for the court-martial; and as there were no witnesses to defend the prosecution, the court decided a letter should be sent to Vice-Admiral Sertorius, ordering him to send them on shore; and at the same time

acquainted the prisoner, the Portuguese law gave him a week to do so, and, as he is at this moment off the bar of Oporto, no doubt he would do so at once. The court then adjourned until he made his reply to the letter they wrote and sent him.

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*Thursday, May the 9th, 1833.*—The Court again assembled, being now twenty-one days since it adjourned, and fourteen days more than the law admitted, to give the Vice-Admiral full time, when the Judge-Advocate read the Admiral's reply, which stated, many of the witnesses had left the service, and the others he could not spare, &c. The prisoner stated, that his own steward and other servants were on board the squadron, kept as prisoners, to prevent their coming, notwithstanding they had been discharged from the ship with himself, and that all his papers were detained on board the squadron by the Vice-Admiral. The Court informed the prisoner all that would go in his favour, and that he need give himself no more trouble, for since the Vice-Admiral refused to substantiate his charges, he was entitled to an acquittal. The prisoner thanked the Court, but stated his wish was to make the subject as public as possible, as the charges were of a nature touching his reputation as a gentleman and an officer. He, therefore, trusted the Court would allow him to read his defence and examine his witnesses. The Court said the thing was too clear, but they would do so with pleasure, since it was wished; when the defence was read by a friend of the prisoner, it being written in Portuguese.

#### TRANSLATION OF DEFENCE.

MR. PRESIDENT, AND GENTLEMEN,

It is one of the most difficult things in the world to disprove charges in absence of witnesses and papers; however, notwithstanding these difficulties, I shall endeavour to show the charges

in the Vice-Admiral's letter to be as false and groundless as they are vexatious and vindictive. To make my defence as difficult as he can, he has, in a manner I shall allow the world to judge, deprived me of all my papers and private property, by seizing them from a British vessel, where I had been sent by his own permission, nor have I been able to obtain them since; and he has also refused to send witnesses on shore, although ordered to do so. I must, therefore, beg the Court will take these circumstances into their consideration, for with these papers and witnesses I should have been able to have clearly disproved, to my own satisfaction, when without them I shall have great trouble. However, from the honourable men I now stand before, I have nothing to fear. The Vice-Admiral states, "That in consequence of repeated conduct highly injurious to the service, &c. he was under the necessity of superseding me from my ship," &c. &c. In the first place, I am serving according to the rules of the British navy, and I will show by its laws the Vice-Admiral could not remove me from my ship, whatever might have been my conduct. Had I the officers of the *Donna Maria* here, I should have been delighted to prove what my conduct had always been, feeling sure that by so doing I should elevate myself in the opinion of the brave people I have the honour to serve, as also by them to show I was never placed under arrest. I allowed myself to be removed from the ship, because I wished to leave her, and had resigned her to the Admiral, about ten days before, for many reasons, feeling quite sure my naval credit would be in danger under him; as also from his conduct to me, in consequence of my being president at Captain Rose's court-martial. But had I supposed he meant to put me under arrest, I should have refused to leave my ship, and should have been right in doing so, by the British laws. Thus do I declare I was never placed under arrest; but, in the absence of witnesses, let me ask, has he sent any written copy of the order he gave me, to consider myself so? or, any

copy of any order he gave to any officer that I was so? If he has not, I flatter myself my word will be found as good as his. It will be found, on inquiry, that, to arrange papers, &c., when a captain leaves his ship, will take some days, and the other officer ought to be present. I was ordered to leave the ship in *three* hours, and the other officer was ordered *not* to join until I had left. I was therefore unable to make these arrangements, and nothing left but to leave my address with the officers and men, to enable them to find me at any future period. The Vice-Admiral, in his letter, wishes to cast a slur on me for not having made these arrangements, but, on reflection, his ordering me to leave the ship in three hours, will show ignorance on his part, by supposing it would be possible to do so. The Vice-Admiral states, "that I left a robbery committed by some of my men, to the amount of ten thousand dollars, unexplained." Now I shall call upon a witness to prove that I wrote him a letter (about the time I had resigned my ship, which was about ten days before the Vice-Admiral tries to make it appear he removed me for the good of the service), begging him to make every inquiry in his power, and to let me know to whom I was to pay the sum I had been able to recover; and also by letter before, on the same subject, I will also prove what means I took to recover this money. The Vice-Admiral, in this complaint, has quite forgotten he had nothing to do with the affair, except ordering a court-martial to try the robbers, which I could not get him to do when I reported the circumstance to him, as soon as possible after it took place (about two days after). I never intend to allow the Vice-Admiral to have any thing to do with my private affairs, and this was certainly one. I became trustee of the money, nor could I give it up, until I was doing so to the owner, or an authorised person. I hope, therefore, to clear this point, as it is one of the greatest importance to my character, in the way the Vice-Admiral has stated it; particularly as in another part of his letter he insinuates,

“ there are circumstances which bear powerfully on my character  
“ as a gentleman and an officer,” although he does not name one.

The Vice-Admiral states, that I “refused to be tried, unless  
“ it was by all the officers of the service, both the *Portuguese and*  
“ *English*—which,” he states, “is a subterfuge”—and, that as I “sat  
“ as president on Captain Rose’s court-martial, that which was  
“ legal for one was legal for the other.” The Vice-Admiral, I  
suppose, has read my letter wrong, for I there CLAIM a court-  
martial of all the officers of the navy, according to the laws of the  
British service, and this, I think, does not allude to the Portu-  
guese officers, particularly as he pays my understanding the  
compliment of saying,—“ I am aware the laws are different.”—  
I should have been most happy to have been tried by the same  
Court that tried Captain Rose; but the Vice-Admiral forgets  
that when that court-martial was over, he said, “ I must never  
attempt to try another officer after this,”—and that he then  
gets rid of all those officers, and appoints acting captains to  
all his ships. It was by those acting captains, without any com-  
missions at all, I would not allow myself to be tried—for this  
would not be according to the laws of the British service—and  
as the Vice-Admiral seems to act by no law, but his own whim,  
it was necessary to appeal for protection from a higher quarter.

The Vice-Admiral states,—“ he has convicted me of tearing  
“ a leaf out of the log-book, and inserting an atrocious falsehood,  
“ intending to injure his character,” &c. A leaf was removed  
from the book; but before it is considered as a part of the  
ship’s log-book, it is to be signed by the lieutenants, and approved  
of by me; this was not done, but, on the contrary, it was dis-  
approved of by all. It was the account of the action on the  
10th of August. The following day, it was brought to me by  
the master, who was not a naval man, and therefore not aware  
of what was necessary in giving the minutes of a naval action.  
I said, “ This is not the thing at all. You here state where

a man was wounded, and where a shot hit the ship; leave that for the surgeon and carpenter to do. Your duty is to give the relative positions and movements of the ships of the two squadrons." I then told him to have that done by all the officers, and when they approved of it, and signed it, to bring it to me :—this he did. However, the Vice-Admiral carefully omitted all this; and I shall here prove, that this circumstance was brought before an inquiry, and arranged before all the captains of the ships, when the Vice-Admiral, in giving me his hand, placed the other on his heart, and said,—“I give you my honour, all that has taken place up to this moment, shall never be mentioned or thought of again. How he kept his *honour*, I shall leave others to judge. But since he has mentioned this circumstance, I shall now state—all the officers of the Donna Maria are ready to prove the correctness of that statement in the log, which he states to be injurious to his character; and as to my having repeatedly spoken of him in a disrespectful manner, I could, with any person who had been in the Donna Maria, prove how much I had supported him before the ship's company, particularly in one instance, where the seamen called on me, in the presence of the enemy's squadron, to command them, stating their fears of going into action with the Admiral. I shall now, with the permission of the court, call on the few witnesses chance has left me, to prove the correctness of all I have here stated; and shall take great pains and pleasure in doing so, to show as much as possible my conduct during the time I have had the honour to command Her Most Faithful Majesty's Frigate Donna Maria II., under the difficulties every captain in the squadron found, to endeavour to counteract that unfortunate jealousy, which has done so much harm, both privately and publicly. And when these few witnesses are examined, I shall leave that honour which descended to me from my father, in your hands, feeling

sure, in doing so, I shall leave it to honourable men; and that you will consider the circumstance of my being deprived wilfully of papers and witnesses, and that every difficulty has been placed in my way to refute the gross charges of the Vice-Admiral, and who has declined substantiating them, although ordered to do so, thereby clearly proving his inability. I therefore trust the judgment you will pronounce will be such as to mark these things strongly. I now, gentlemen, fearlessly leave my fate to you, my companions in arms, who, like myself, are fighting the honourable battle of liberty.

The prisoner then called Major-General Sir JOHN MILLEY DOYLE, and Senhor SERPA, to state what the captain of the Portuguese ship (*Commercio Maritimo*) had said to them relative to the money; when they stated, that he said,—“The ship *Commercio Maritimo*, which he was master of, was detained by the frigate *Donna Maria*, and he was taken on board the frigate late at night, and sent back to his own ship the next morning; soon after he was sent on shore by order of Mr. Fitz Costa, the midshipman in charge. He was informed that five thousand dollars, more or less, had been taken from the trunks of passengers; and that he saw a short man (a boatswain’s-mate), and a tall man with one eye (also a boatswain’s-mate), take money from the trunks; and a midshipman took a box containing gold and silver; and the reason he did not inform Captain Mins of what was going on, is, that the said Fitz Costa would not allow him, and sent him away to prevent it.—Captain Mins never came on board the ship.”

Senhor SERPA also produced letters written to him by the prisoner some time before he left his ship, begging him to make inquiries relative to the money he had been able to recover from the seamen (near seven hundred dollars), and to let him know, as soon as possible, where and to whom he was to pay it.

Lieutenant SALTER (late of the Villa Flor) was called, to state what he knew relative to the prisoner leaving his ship. He said,—“He left the ship, having been discharged, with his servants, by order of the Admiral; but he never heard of his having been placed in arrest. He saw the lieutenants of the Donna Maria pulling Captain Mins in his boat from the ship to the steamer, and he heard the Donna Maria’s men cheering. He also knew that in September last, a court of inquiry had taken place on Captain Mins, relative to the ship’s log-book; and that it was settled by the Admiral and Captain Mins shaking hands.”

Lieutenant CENTURINE (late of the Donna Maria) was asked, relative to the Court of Inquiry, when he gave the statement as above. On being asked, what means were taken to discover the money stolen by the men, he said, Captain Mins ordered all men leaving the ship should be searched; and that at Vigo, he removed everything in the ship’s hold, even the tanks and the ballast, placing a midshipman there to keep a look-out; he always supported the Admiral, at all times, before the ship’s company.

Sergeant HOGAN of the marines (late of the Donna Maria) was called. He was asked if he was one of the men who signed a letter to Captain Mins, when in presence of the enemy’s squadron, about September last, which caused Captain Mins to turn the hands up? He answered, Yes. On being asked why that letter was written, he stated, the men were dissatisfied with the Admiral’s conduct in the last action; and were afraid, if they went into action, he would do as he did last time—lead us in, haul his wind, and leave us there, to fight it out by ourselves. On being asked what was Captain Mins’s reply, he said, Captain Mins told Davie (captain of the forecastle), that he would not allow the Admiral to be spoken of in that manner, and any man in the ship who should dare to speak of the Commander-in-Chief in such a way again before him, he would blow his brains out—for it is mutiny to

the highest degree. It was not for seamen to give their opinion of the conduct of the Commander-in-Chief. Captain Mins said a good deal more, and then sent the men away; we went away very much dissatisfied; and a number of the men called out, "We will go into action with you, Captain Mins, whenever you like, but the Admiral will only take us in, and then leave us to ourselves to fight it out, as he did last time."

On being asked, if Captain Mins had ever spoken disrespectfully of the Admiral, he answered—"Never to my knowledge; before the ship's company he always supported him, and made excuses for him for not paying us, and for not keeping his promises to us, and would never allow any one to speak against him."

The prisoner now stated to the court he had several more men belonging to the *Donna Maria*, who were on shore, from wounds and other causes; but, as they could only state the same as the last witness, he would not call them, for it was not his intention to show the Admiral's conduct, more than necessary to defend his own. The prisoner then put before the court the *Chronica Constitucional* of Oporto, containing the Admiral's dispatch, after the last naval action; and said he had nothing more to say, but would leave his fate in their hands.

The Court was then cleared, and after about half-an-hour's deliberation the doors were again opened, and the following Judgment was first read in Portuguese, and then translated to the prisoner:—

#### TRANSLATION OF THE JUDGMENT.

At the head-quarters of the Intendente of Marine at Villar, in the city of Oporto, will be found the process of the court-martial held on Peter Mins, Esq. *Capitão Mar & Guerre* in Her Most Faithful Majesty's service; his examination, the charges brought against him, all the interrogations and depositions of the wit-

nesses; and, without one dissenting voice, the court decide the charges unfounded, not being substantiated by proof, and in consequence of the depositions of the witnesses for the prisoner, their answers, which the court judge to be perfectly satisfactory; and lastly, the important document produced by the prisoner, the Constitutional Chronicle of Oporto of the 13th of October, 1832, in which it may be clearly seen, that the prisoner has served, with much constancy and honour, the noble cause we are all pledged to defend. And that the prisoner is tried by the Portuguese laws in consequence of his having petitioned Her Most Faithful Majesty's Government for that purpose, and which they thought proper to grant.

The court, after mature deliberation, declare the conduct of the prisoner to be spotless and undefiled, and his defence well grounded.

(Signed by)

JOAQUIM PIZARRO, President, Brig.-Gen.

GUELHERME FERRERI, Brig.-Gen.

FRANCISCO PEREIRA, Ditto.

MANUEL DA SILVA REBOXO, Ditto.

DON BARTHOLOMEW MOSCOZO, Ditto.

LUIZ PINTO ARRAES, Ditto.

ANTONIO D'OLIVEIRA, Judge Advocate.

Oporto, May 9th, 1833.

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## LIV.

*Vigo, December 5th, 1832.*

The Vice-Admiral cannot but feel grieved, to find that so many of his countrymen, who have so long and so faithfully served the cause, are now desirous of deserting him at so critical a conjuncture as the present, and is, consequently, anxious to address to them the following few words on the occasion:—

It is quite impossible, in our present position, and under existing circumstances, that my crews can be granted their discharge. The question now, is not respecting a few weeks more or less continuance in the service, or as to the quantity of wages due ; but whether we, as Englishmen, will basely desert a cause of humanity, and leave a large flourishing city to be reduced to ashes, and tamely permit a population of 200,000 men, women, and children, to be massacred and annihilated, by a brutal, blood-thirsty soldiery, which Dom Miguel, the most atrocious of tyrants, has solemnly vowed shall be their fate, if he can succeed in taking Oporto. No ! I am sure every seaman under my command possessing the common feelings of a man, will exclaim, with me, it shall not be. But to prove to you I am not unwilling to listen to your wishes, I will undertake to promise, that if, before the end of March, the cause is not finally decided, I will give to all those who may then wish to leave me, their discharge, with all arrears of pay.

R. G. SERTORIUS,

Vice-Admiral, and Major-General.

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# No. LV.

£.	s.	d.
John Levert	12	0
George Slater	2	0
John Smith	3	0
Jno. Bartlett	2	0
Wm. Gluckert	3	0
Richard Cox	3	0
Henry Williams	2	0
John Bile	2	0
Collin Hog	2	0
Simcon Horrad	2	0
Wm. Forster	2	0
Edward Blandford	2	3
Samuel Woodhouse	2	3
Sergeant John Holmes	2	0
Anthony Walsh	2	3
John Barrett	2	3
R. Morton	3	0
Edward Andrews	2	3
John Williams	2	0
Peter Cook	5	0
Hugh Jameson	3	0
Daniel Chamberlain	3	0
Joseph Constance	20	0
Carried forward	£33	16 8

£.	s.	d.
Brought forward	83	16 8
John Levert	16	0 0
James Stephens	25	0 0
B. Peterson	7	3 0
John Tizard	2	12 0
Wm. Gluckert	3	0 0
Thos. Wapshot	2	13 6
Joseph Constance	4	16 0
Daniel Chamberlain	4	5 6
George Slater	3	7 0
John Smith	3	7 0
John Levert	15	15 6
W. Jones	10	13 4
W. Heard	6	15 0
T. W. Bennett	11	5 0
W. Matthews	6	15 0
Philip Rider	8	10 8
Adam Stone	6	15 0
Wm. Potter	4	16 0
Henry Leghorn	4	10 0
Peter Cook	7	11 8
Robert Bishop	5	12 6
Amount paid by Captain MINS's orders	£245	5 4

## RECEIVED.

In a Bill drawn by Mr. Sandford, the 10th of  
Dec. 1832, order of Captain MINS..... } 166 0 0

Amount of pay due to him up to the 1st Jan. } 75 3 3  
1833 .....

Received in Cash per Balance ..... 4 2 1

£245 5 4

London, 23rd July, 1833.

pp. A. DE R. y CARBONELL  
J. ALVAREI.

## No. LVI.

*20th of July, 1833.*

SIR,

I am desired, on the part of Captain Mins, to address you, and to state, that the moment Captain Mins heard you had left for England, without landing at Oporto, he immediately got permission from the Minister of Marine to follow you; and now finding you are in France, he has deputed me to state, the insulting insinuations contained in your letter to the Minister of Marine, are such as to require either a written apology, or the usual satisfaction. You make use (with other expressions) of the term "atrocious falsehood;" and as Captain Mins demanded a court-martial, on the charges contained in your letter, and received a most honourable acquittal, you having had full notice and time to substantiate them, if you could; you are thereby bound to give some explanation or satisfaction for those insulting terms. I have therefore, on the part of Captain Mins, to request you will immediately send an apology, or state your readiness to give the usual satisfaction; in which case Captain Mins will immediately proceed to any place you may name; and I have to request you will favour me with the name of your friend, and to be so good as to answer this by return of post, and am

Your obedient Servant,

(Signed)

W. H. BROWNSON.

To Admiral Sertorius,  
Brest, France

## No. LVII.

*Harley-street, Friday Evening,  
10th August, 1833.*

MY DEAR SIR,

I must apologise for not having earlier forwarded your note, which I have this moment received, enclosed in one from Admiral Sertorius, and, on account of my having been during the last ten days travelling about, did not reach me before. I have called at Wood's Hotel twice, in the hopes of delivering your's in person, but without success; I therefore at length determined to leave it in charge of the waiter, as I am only in town for the night, and leave early to-morrow morning for Sussex. I was not aware that you were in this country, or even that you were in this world, having heard vague reports, that you were numbered with the slain at Oporto; and I assure you I deeply regret the cause which now makes me acquainted with your return, on which subject I should have much liked a few minutes' conversation with you; I hope, however, on my return through town, I shall still be able to do so.

I remain, your's truly,

E. BOID.

To Major Brownson.

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No. LVIII.

*Hotel des Etats Generaux,  
Rue St. Anne, Paris.*

SIR,

In reply to your letter of the 20th of July, relative to Captain Mins, which I have only just received, I beg to make the following observations:—The expression, "atrocious falsehood," was made use of by me to Captain Mins, in August or Sept. last, 1832, upon the occasion of discovering that Captain Mins

had torn out the original statement from the log-book, of an encounter with the enemy's squadron, and inserted a false one, dishonourable to myself and the officers and crew of the Rainha. At the time of making use of the expression in question, I told Captain Mins, that if I was not borne out by facts, to justify me in what I had said, I should waive every kind of privilege, and meet him whenever he pleased. Many of my officers can vouch for this, who were present at the time. To avoid a court-martial, Captain Mins, before the principal officers of the squadron assembled for the occasion, made me a strong apology, requesting me to look over his past conduct, and begged me to consider him in the same light as upon our first acquaintance. I unwisely accepted the apology. Upon my hoisting my flag on board of his ship, he was the first to call out to his men to give the Admiral three cheers. In the second place, Captain Mins could not be tried by any other laws but British Naval Laws. An article of the contract with the Portuguese Government expressly stipulated that the British Naval Laws and usages were to regulate and guide the auxiliary force under my command. It would be a waste of words, to point out the burlesque absurdity of causing a British Naval officer to be tried for Naval crimes, as well as others, by a Court composed of *Portuguese Military* officers, independent of its injustice, and when the legal court was at hand. I consequently refused to either send my evidences, which would have been almost all my squadron, or to acknowledge the legality of the Court. The result was naturally such as must take place under such circumstances, a simple acquittal, not an honourable one, for "want of evidence" (*Falta de Prova*), as may be proved by the Oporto Gazette. Captains Crosbie and Bertrand both refused to give their evidence before a Court so constituted. I believe I may attribute, correctly, Captain Mins's quitting Oporto, more to my brave and gallant successor refusing to employ him in any way, than to other causes.

I have therefore to add, in conclusion, that the deep stains upon Captain Mins's previous character—his desertion from the squadron under circumstances of the most painful nature to an officer and a gentleman—his evading in every way appearing before a Court composed of his countrymen, sheltering himself under a burlesqued one, where he well knew I neither should, or could ever appear, both from its incompetency and illegality—alike obliges me to declare that I can neither grant for the present either one or the other of the alternatives you propose to me. If Captain Mins, however, will procure the names of any of the Senior officers of his profession, upon our mutual statements being made before them, to sanction his claims to satisfaction, I shall then be happy to meet him.

I have the honour to be,  
Sir, your most obedient Servant,  
G. R. SERTORIUS.

July 29th.  
Major Brownson,  
Wood's Hotel, Pantou Square.

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## No. LIX.

SIR,

In reply to your letter of the 29th last month, which I only received three days ago, I must, in justification of Captain Mins's character, make these observations. Following your letter; the expression "atrocious falsehood," can never be permitted between gentlemen or officers, on any occasion, whether there is cause or not; and I find the time, and which is the only time Captain Mins heard of it, is in a letter of your's to the Minister of Marine, dated the 7th of February last; and as it alluded to that which appeared in the ship's log, to the truth of which

(I understand), all the officers of the Donna Maria declared to you, when you asked them respecting it at the time, and your remark was,—“Then gentlemen, I am much obliged to you for calling me a coward;” this circumstance cannot have escaped your memory, so well remembered, and lately repeated, by many of the officers in England; the consequence is, your using that term is doubly insulting, when it clearly appears there was no falsehood stated. Before I go further, I must say, I do not expect to find any honourable man cloak himself (when he has done wrong), either by his rank, or by subterfuge; I therefore do not expect you will do either. I cannot but be surprised at your second position, after perusing Captain Mins’s papers and letters, that you should think of stating, he tried to avoid a court-martial; for by his letters, &c., it appears, he was most anxious to get one, and failed in every attempt to obtain a fair one, and not to have a court composed of all kinds of persons, put into the temporary command of ships by yourself, for the purpose, and without commissions, which I see, by the printed instructions for the navy, is irregular. It appears to me (for I must be frank and plain) that it is not honourable of you to insinuate, that the acquittal he got at the Portuguese court-martial (which it appears he felt would be better than none at all, although he is still anxious and ready to appear before any other court) was only for want of proof; for both your and my experience of the Portuguese customs, would teach us that such is the invariable manner of putting it in the Gazette; remember Captain Rose as an instance in the Navy. I have read Captain Mins’s acquittal, and a more full and honourable one I never heard of; as also the whole of the proceedings, which Captain Mins has had printed, and widely circulated, with all the letters and papers respecting it, particularly the log-book, the letter the seamen wrote him, and all that was said by him and them, as taken down by his

officers at the time, and by them given to him in writing. "Your own conscience will dictate to you what must be thought of it all, and every one must consider the log-book as most likely to be a true statement." In consequence of the circumstances which followed it, and from the officers themselves, I have no reason to believe Captain Mins has any stains on his character since entering the British Navy, except, perhaps, the circumstance of a quarrel with a Mid, upwards of twenty years ago, which, although it cannot reflect any credit on him, at the same time I am most certainly of an opinion, it has done him no harm; and must again express my surprise, that a brave man should endeavour to screen himself with such a circumstance as a cockpit quarrel. Again, Captain Mins was (it clearly appears) discharged from his ship, which discharge he has at this moment, signed by the Senior Lieutenant; therefore had a most perfect right to go where he chose, consequently, common justice would forbid your saying he *deserted* his ship. Having now finished with your letter, I must remark, there are many other circumstances: your charge respecting the money from the prize cannot be mistaken; it seems very clearly you wish to make it appear injurious to him; in a letter you wrote to the Minister of Marine, just before you left, dated the 7th of June last, you make some insinuations respecting men, whom you say, Captain Mins had money belonging to. I cannot understand your conduct, and must candidly confess it appears any thing but what I should wish mine to be; for you, in rather a strange way, took possession of all his papers and things, and have kept him out of them, thereby preventing him settling his different accounts. I can bear witness of the seamen's opinion of Captain Mins since I have been in town; for notwithstanding he cannot even yet settle with them, as he has not been able to recover any of his papers and things; yet they see him, and speak of him in the highest possible terms, and leave him

by saying, "We are quite sure, Captain Mins, our money is safe, and we shall have it when you get your papers which the Admiral took from you." I cannot conclude, without saying, I think if you take a view of your proceedings towards Captain Mins, you will see that you have acted in a very arbitrary way; remember all that you have done,—you took every thing he had: consumed his stock, which was large, for I have seen the list; drank all his wine, &c.; and, not content with all this, you are now endeavouring to destroy his character as well as his property. I feel quite sure, some bad adviser must have been at your elbow, for judging of you from what Captain Mins says, who has repeatedly stated to me, that he cannot believe it possible you would act in the way you have from yourself, that there must be some mistake, and some great and secret enemy; for he never did you any injury, but supported you, as his court-martial shows, before the ship's company; however, he certainly did not approve of your naval conduct, and, if I may be permitted to add, I fear you will find few did. I am, as Captain Mins's friend, most anxious to put this matter to rights, and should be most happy to do so amicably, feeling quite sure his conduct has been most clear, and that misrepresentations, &c. has done all the harm, and that an explanation will put all to rights?—should you be disposed to enter into this, I shall do so with the greatest pleasure, and should be most happy to put both you and him on the same terms as you were before you left England; and I can honestly assure you, I am certain it would be better for both parties, and that Captain Mins's feeling towards you is more surprise and wonder, than any thing else, mixed with a great anxiety to know the truth, and the cause, of what he says is so strange and unaccountable. You cannot for a moment suppose it will lower the dignity of either to explain matters, and you must see the necessity of Captain Mins making every thing public, if something does not

settle it; and I assure you his papers and documents appear to me to be most clear and satisfactory, and his officers' opinions to him in writing, respecting every circumstance, will bear his character clear from any stains during the time he was under your command. I will not advise, yet I will hope, you will think you may be mistaken, and therefore consent freely to come to some understanding; with this wish I will conclude, by requesting you will give me an early answer, as it will be absolutely necessary for Captain Mins and myself, as his friend, to take any step the circumstance calls for, in vindication of him, even at the injury of others. I left Oporto with Captain Mins—I can positively assert, from my own knowledge, that the great cause of his return to this country, was (as I before stated) to call you to an account—and he is only still remaining here for that purpose, and will be obliged to return soon.

I have the honour to be, Sir,

August 14th, 1833.

Your obedient Servant,

W. H. BROWNSON.

Admiral Sertorius,

Hotel des Etats Generaux,

Rue St. Anne,

à Paris.

FINIS.



## ERRATA



<i>Page.</i>		<i>Line.</i>	
42	..	21	<i>for</i> capstan, <i>read</i> , the capstan.
56	..	21	<i>before</i> the deficiencies, <i>insert</i> , that.
63	..	13	<i>before</i> the launches, <i>insert</i> , that.
68	..	15	<i>after</i> first, <i>read</i> , lieutenant.
83	..	3	<i>for</i> passes, <i>read</i> , passed.
98	..	13	<i>dele</i> that they.
100	..	11	<i>for</i> sufficiently, <i>read</i> , sufficient.
108	..	12	<i>for</i> it, <i>read</i> , her.
115	..	11	<i>for</i> resigned, <i>read</i> , resign.
123	..	4	<i>for</i> with captain, <i>read</i> , captain.
132	..	14	<i>for</i> whom, <i>read</i> , who.
159	..	19	<i>for</i> of all, <i>read</i> , for all.
160	..	12	<i>for</i> my men will, <i>read</i> , my men you will.
165	..	14	<i>for</i> would, <i>read</i> , could.

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